



FIFTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

SECOND SESSION

TUESDAY 30 OCTOBER 2012

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Members

Members

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MAURITIUS

Fifth National Assembly

SECOND SESSION

Debate No. 19 of 2012

Sitting of 30 October 2012

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

ANNOUNCEMENT**NATIONAL ASSEMBLY - HON. SUNIL KUMAR PINTU, MINISTER OF
TOURISM, BIHAR, INDIA & MRS PINTU - VISIT**

Mr Speaker: Hon. Members, before we start with the business of the House, allow me, on behalf of Members of the House, to extend a warm and cordial welcome to hon. Sunil Kumar Pintu, Minister of Tourism from the State of Bihar, India and Mrs Pintu, who are in our midst today. Hon. Pintu is heading a delegation from India in the context of the *Pravasi Bharatiya Divas* 2012. We wish them a pleasant stay in Mauritius.

Thank you.

PAPERS LAID

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

A. Office of Mr Speaker

The Annual Report and Audited Accounts as at 31 December 2011 of the Independent Commission Against Corruption (In Original).

B. Prime Minister's Office –

(a) Certificate of Urgency in respect of the Manufacturing Sector Workers Welfare Fund Bill (No. XXVI of 2012).

(b) The Annual Report 2011 of the Mauritius Ports Authority.

C. Ministry of Social Security, National Solidarity and Reforms Institutions

–

The Report of the Director of Audit on the Financial Statements of the National Solidarity Fund for the year ended 31December 2011.

D. Attorney General's Office –

The Reports of the Director of Audit on the Financial Statements of the Law Reform Commission for years ended 31December 2010 and 31 December 2011 (In Original).

ORAL ANSWERS TO QUESTIONS

NATIONAL IDENTITY CARD (NEW) - INTRODUCTION

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Minister of Information and Communication Technology whether, in regard to the project for the introduction of a new National Identity Card, he will –

- (a) for the benefit of the House, obtain from the State Informatics Ltd., information as to the names of the –
 - (i) bidders, indicating the value of the respective bids, and
 - (ii) successful bidder, as approved by the Board thereof in March 2009, and
- (b) state –
 - (i) the sums paid to date to Singapore Cooperation Enterprise and CrimsonLogic Pte Ltd. for advisory services;
 - (ii) how the sum of Rs1.1 billion was arrived at, and
 - (iii) if a copy of the Contract Agreement signed on 17 October 2012 will be made public.

Mr Pillay Chedumbrum: Mr Speaker, Sir, allow me, first of all, to thank the hon. Leader of the Opposition for having directed his Private Notice Question towards the MNIC Project and this will give us the opportunity to clear out any misunderstandings and, at the same time, for the press and the public at large to know the necessity of going forward with the project of MNIC.

Mr Speaker, Sir, the National Identity Card Act 1986 makes provision for every person from the age of 18 to be issued with an identity card. The National Identity Cards were first issued in Mauritius in the year 1986 with a validity of only 10 years. Subsequently, its validity was extended by way of regulation on numerous occasions up to April 2014. The card has served its purpose since its introduction.

The existing National Identity Card system has a number of flaws which represent serious threats to citizens' identity and national security. It also lacks the modern systems and capabilities to provide real convenience to our citizens. The current National Identity card system has four major flaws, namely -

- it can easily be tampered with;

- lack of security features on the ID card and related systems;
- unreliable citizens data which has never been properly validated;
- lack of portability of the data which could be used to enhance services; and
- no easy system to securely update the database online to keep the new data clean and secure.

Furthermore, Mr Speaker, Sir, the card does not allow for several levels of verification and authentication of the card holder. This type of card is generally no longer used for identification purposes across the world.

In November 2008, the State Informatics Limited (SIL) was appointed Systems Integrator/implementer for the project, being given that it is a Government entity conducting IT business.

On 14 January 2009, SIL as Systems Integrator/implementer launched a Request for Proposal (RFP) for the Mauritius National Identity Card Project to seven shortlisted suppliers.

Further, it was decided that the procurement exercise would be exempt from compliance with the provisions of the Public Procurement Act, in virtue of Section 3(1) of the said Act. A General Notice No. 2359 of 2008 was made by the Prime Minister on 19 December 2008 under section 3(1) of the Public Procurement Act, for exempting the procurement exercise of the systems to produce the National Identity Cards, and the cards also, from the provisions of the Public Procurement Act to protect national security. This was determined, having regard to the sensitive nature of the information to be stored in the new National Identity Cards (Smart Card based electronic identification system) proposed to be issued, the national security risks involved in the production and risks of unlawful fabrication and use of those national identity cards.

The State Informatics Ltd exercise was conducted under the umbrella of General Notice 2359. The RFP was launched in line with section 3 (1) of the Public Procurement Act which provided that procurement under that section is to be undertaken by the most competitive method of procurement available in the circumstances.

Three out of the seven shortlisted bidders, submitted proposals, namely Oberthur Technologies for the sum of Euros 6.391,177.88, SAGEM for the sum of Euros 7,281,377.35 and Gemalto Ltd for the sum of Euro 8,433,109.67. An evaluation of the proposals was conducted in March 2009. The Bid Evaluation Committee recommended that the award be made to SAGEM.

However, the tender was not awarded on account of the following reasons -

- (i) In 2009, it was coming to light that multi application on a national ID card was not the best practice and was even being questioned in other countries across the world.
- (ii) It was also expected that the smart ID card would host sensitive citizen's biometric data. This information had to be electronically secured through a Public Key Infrastructure, that is, a Certification Authority. Mr Speaker, Sir, in 2009, there was no provision for a Certification Authority and therefore there was no way properly securing the electronic data because the Certification Authority was missing.
- (iii) Consequently, there was a rethink on the applications that should be hosted and integrated in the card and also the card could be integrated within the e-Government Strategy.

On 06 November 2009, Government reviewed the MNIC Project and decided that the procurement exercise for the Project should be stopped. New tender documents were prepared by the Central Informatics Bureau together with inputs from the World Bank. On 03 February 2010, the tender documents were sent to the Central Procurement Board which proposed amendments thereto.

Mr Speaker, Sir, around the same period, more and more cases of personation and production of fake Identity Cards were inventoried. After a thorough examination of the situation and based on the best practices advocated by the international agencies, Government decided to review the whole project to consolidate the security considerations. Thus, it was decided that Mauritius could draw from the development experience of Singapore.

In the face of the prevailing circumstances, Mr Speaker, Sir, it was decided on 26 March 2010, that the Ministry of Information and Communication Technology should -

- (i) put on hold the on-going bidding exercise;
- (ii) consider the possibility of implementing the MNIC project on a Government-to-Government basis with Singapore to benefit from the expertise of Singapore;

- (iii) hold discussions with CrimsonLogic Pte Ltd., a company designated by the Singapore Cooperation Enterprise (SCE), an entity of the Government of Singapore, and
- (iv) envisage discussions with CrimsonLogic on a strictly non-prejudice and non-committal basis.

Availing ourselves of a Memorandum of Understanding signed between the Government of Mauritius and the Singapore Cooperation Enterprise, which is an entity of the Government of Singapore set up to respond effectively to foreign requests to tap into Singapore's development experience, we envisaged a Government-to-Government initiative, with a view to developing and implementing the MNIC Project.

On 17 October 2012, Mr Speaker, Sir, the Government signed an agreement with the Singapore Cooperation Enterprise for the implementation of the Mauritius National Identity Scheme. Effectively, the Government of Mauritius has entered into an agreement with the Government of Singapore.

SCE, that is, Singapore Cooperation Enterprise, was formed by the Ministry of Trade and Industry and the Ministry of Foreign Affairs of Singapore, to have an agency to respond effectively to the many foreign requests to tap on Singapore's development experience.

SCE's primary role is to serve as the focal point of access for foreign parties interested in adopting Singapore's public sector expertise for their own development journey. In this regard, Singapore Cooperation Enterprise is the key vehicle for exporting Singapore's public sector expertise and for ensuring that requests for Singapore's public sector expertise are met with the highest standards.

SCE works closely with all of Singapore's Ministries and over 60 statutory bodies to tailor possible solutions to match the foreign party's needs. Solutions include visit programmes, trainings, consultancy services and project implementation.

Mr Speaker, Sir, SCE has put together a team of experts, as part of a consortium, who are able to deliver on the MNIS project effectively and ensure -which is most important - its timely implementation. Drawing upon what has been and is being done in Singapore, they will work closely with the Government of Mauritius. One must not forget, Mr Speaker, Sir, that the project for new identity card was long overdue, since 1995 to 2000, 2000 to 2005 and 2005 to 2010. All Governments wanted to implement that project but, unfortunately, it has not been the case. Mr

Speaker, Sir, in order to implement the MNIS project in the most efficient and effective manner, Singapore Cooperation Enterprise has pooled together the best experts in Singapore and formed a consortium responsible for the implementation of the project in Mauritius.

Mr Speaker, Sir, CrimsonLogic Pte Ltd will be the system integrator of the project. It will develop, install, commission and operate a number of system and software applications as well as set up the data centre and the Certification Authority.

CrimsonLogic was incorporated in Singapore in 1989 and is majority owned by the Singapore Government through the International Enterprise Singapore, which is a Singapore Government agency under the Ministry of Trade and Industry.

(Interruptions)

Mr Speaker: Order! Order! The hon. Minister may proceed.

Mr Pillay Chedumbrum: CrimsonLogic has developed and operated many of Singapore's mission critical e-government services like the TradeNet and SingPass, which is Singapore's National Electronic Authentication System.

CrimsonLogic is a trusted partner to Governments worldwide. For over 20 years, they have worked with Governments across Asia, Middle East, North America, Latin America and Africa to find innovative and sustainable solutions to collaborate more seamlessly with their citizens and eco-system.

CrimsonLogic's expertise, Mr Speaker, Sir, extends across trade facilitation, judiciary, tax, healthcare, and citizen-related domains.

(Interruptions)

Mr Speaker: Order!

Mr Pillay Chedumbrum: They have continued to set industry standards by delivering world-first e-Government solutions to optimise workflow, increase operational efficiencies, and improve decision making. TradeNet, e-Judiciary, e-stamping and Cert of Origin are some of their pioneering innovations being used every day by Government agencies all over the world.

CrimsonLogic, Mr Speaker, Sir, has extensive experience in building and operating effective citizen services management systems. Its track record comprises tested and proven solutions and operational models.

Mr Speaker, Sir, this is a project ...

(Interruptions)

Mr Speaker: Order, please! Order! The hon. Minister may proceed.

Mr Pillay Chedumbrum: This is a project of national interest and we should not do politics with that. It is very important. We want people to know...

(Interruptions)

They have tried and they have failed! Now, we are in the process of implementing it. The National Identity Card which we have actually, Mr Speaker, Sir, could easily be tampered with. We need, if we want to move ...

(Interruptions)

Mr Speaker: Please, give way! I am on my feet, please! Let the hon. Minister proceed and then Members will have opportunity to put as many questions as they want.

(Interruptions)

Order now! You may proceed, hon. Minister!

(Interruptions)

Mr Pillay Chedumbrum: If they can't understand what is happening, it is normal that they are going to say so! Mr Speaker, Sir, ...

(Interruptions)

If they are going to disturb me, I am going to read anew the whole text, because I also am disturbed by them.

(Interruptions)

Mr Speaker, Sir, we have to know once for all ...

(Interruptions)

... my duty is not only to answer the question for the sake of the hon. Members sitting in the Opposition. We have to enlighten the press also on the project and, at the same time, the public at large. This project is too important ...

(Interruptions)

Mr Speaker: Order! Order, please!

(Interruptions)

Let's have some order, please! The hon. Minister should proceed. However, I will invite the hon. Minister to be relevant.

Mr Pillay Chedumbrum: In fact, Mr Speaker, Sir, those elements are very, very important to show the reason why we have adopted this procedure. CrimsonLogic has extensive experience in building and operating effective citizen service ...

(Interruptions)

Its track record comprises tested and proven solution and operational models. In Mauritius, CrimsonLogic is the technical partner of the Mauritius Network Services, which was set up in April 2004, following the recommendation by the World Bank in 1992 to increase the use of IT. CrimsonLogic was the technical implementing arm of the electronic network that facilitates existing trade documentation process in Mauritius.

CrimsonLogic is currently implementing the e-judiciary project to provide e-filing...

(Interruptions)

They have done so many cases without tender! And a case of management system to improve the civil litigation process in Mauritius. The project is led by the Supreme Court of Mauritius.

To execute the Government to Government initiative, Mr Speaker, Sir, the Ministry of Information and Communication Technology sought and obtained the appropriate clearances from both the Attorney General's Office and the Procurement Policy Office for the conduct of the exercise for the procurement of advisory services under a Government-to-Government basis.

(Interruptions)

Mr Speaker: Order! Order, please! Order! Please, proceed, hon. Minister!

Mr Pillay Chedumbrum: In this regard, the Singaporean team undertook two field visits to Mauritius from 06 to 08 April 2010 and from 11 to 13 August 2010 to meet with the ID Card Task Force and to further discuss on the relevant issues. As a result thereof, they submitted on 14 September 2010 the relevant technical and financial proposals. An Evaluation Committee met from 16 to 20 September 2010 to assess those proposals.

The Evaluation Committee requested the Singaporean side to address a few minor issues so as to strictly conform to the Terms of Reference of the project with a view to working towards concluding an agreement for the provision of advisory services in respect of the MNIC Project.

On 25 September 2010, the Ministry of Information and Communication Technology, in line with a decision of the Co-ordination Committee chaired by the Secretary to Cabinet and

Head of the Civil Service, contacted the SCE, so as to finalise the few pending issues with a view to reaching convergence on the Terms of Reference.

On 08 October 2010, the scope of collaboration between the Government and SCE was enlarged to include Electronic Identity Management.

In regard to part (b) (i) of the question, I wish to inform the House that in November 2010, Government entered into an agreement with SCE in partnership with CrimsonLogic Pte Ltd for the provision of advisory services for the MNIC Project. Execution of the Consultancy Services Contract started on 06 December 2010. In order to make sure that the collaboration with SCE/CL was made in the best possible manner, the following Agreements have been entered into by all the Parties concerned -

- (a) A Non-Disclosure Agreement was signed, on 31 August 2010, between the Ministry of Information and Communication Technology and CL, so as to allow for the exchange of necessary information ...

Mr Speaker: I am sorry to interrupt. Could the Minister give way? The questions are quite specific. I expect the answers to be specific. So, I invite the hon. Minister to answer the question that has been filed before this Assembly. So, let's be relevant! I have to repeat myself: let's be relevant!

Mr Pillay Chedumbrum: Mr Speaker, Sir, because of the nature of the project, I have to go through.

(Interruptions)

Mr Speaker: Please, order! Let's have some order! My ruling is clear. I hope that what I have said has been understood properly.

Mr Pillay Chedumbrum: Mr Speaker, Sir, the value of the Consultancy Services Contract was Rs10,916,204. I wish to point out to the House that the final payment to the Consultant was made only after the Steering Committee ascertained the value for money responsiveness of the contract.

Mr Speaker, Sir, in regard to paragraph (b) (ii) of the question, the Technical Proposal from SCE addresses the lack of security features in our current National Identity Cards through a number of agreed solutions included in the following systems and technology, and which meet our requirements for the MNIC Project -

- Laser-engraved smartcard technology for increased security with biometric

features, including guilloche printing, offset micro-text and rainbow printing.

- Revised Central Population Database with clean data and increased security of database and e-Government solution.
- Card production equipment and mass conversion, and enrolment exercise of around 906,000 citizens to be conducted across the island over a period of 18 months.

It is to be noted, Mr Speaker, Sir, that the scope of the 2009 smartcard project was significantly less than the scope of the current project with the Singapore Corporation Enterprise. The number of adult citizens eligible for the new card was increased from 800,000 to more than 900,000. Furthermore, the new MNIS comprises additional systems, software and hardware to ensure a reliable, secure system that will enable greater efficiency gains within Government and convenience to citizens. The additional scopes under the MNIS Project include -

- a government service platform, which will be deployed to assist with the sharing of citizen's data within authorised government agencies;
- setting up of a Certification Authority system, which is very important, Mr Speaker, Sir, to increase security of data, and provide trust for authenticity and integrity of information stored;
- programme management, including change, adoption and risk management;
- communication campaign;
- infrastructure and support, including data centre and data recovery;
- IT security audit.

The total cost of implementing the MNIC project on a turnkey basis proposed by the Singapore consortium is estimated at Rs1.1 billion. A breakdown of the total cost of the project is -

• Programme Office	Rs102,148,296
• MNIC System	Rs311,937,165
• Smart Card	Rs179,633,668
• Central Population Database Version 2.0	Rs77,030,062
• MNIS Certification Authority	Rs88,546,301
• MNIS e-Services and Government Service	Rs90,597,245

Platform	
• Card Conversion Exercise	Rs167,992,110
• Operation and Support	Rs33,766,162
• MNIS Infrastructure Setup	Rs60,012,378
• IT Security Audit	Rs4,912,050
• Estimated Total Project Cost in Mauritian Rupees	Rs1,118,575,437

(Interruptions)

Regarding this, the hon. Member will have to check with one of his agents.

I wish at this stage, Mr Speaker, Sir, to give the assurance to the House that all procedures relating to this project have been done in strict conformity with established principles, as set out in the Public Procurement Act in respect of transparency and accountability.

Mr Speaker, Sir, regarding part (b) (iii) of the question, as indicated in my reply to Parliamentary Question No. B/597 last week, I have consulted the Prime Minister's Office. I wish to inform the House that, in view of the national security considerations of the new Identity Card Project, and most important, Mr Speaker, Sir, the non-disclosure provisions ...

(Interruptions)

... contained in the Agreement, it would not be in order for me to make the Agreement public.

I wish here to highlight that in Government Notice 2359 of 2008, Mr Speaker, Sir, emphasis was laid on the national security risks involved in the production, and the risk of unlawful fabrication and the use of the National Identity Card, and the need, therefore, for the procurement of the Card to be undertaken outside the provisions of the Public Procurement Act in order to protect national security.

This, Mr Speaker, Sir, was in line with section 3(1) of the Public Procurement Act and, since the Agreement also contains a technical detailed proposal, the public disclosure of the Agreement may entail ...

(Interruptions)

Mr Speaker: I am sorry to interrupt the hon. Minister.

(Interruptions)

Please don't repeat yourself. Part (b) (iii) of the question is very specific. It says simply if a copy of the Contract Agreement signed will be made public. The hon. Minister have to answer shortly.

(Interruptions)

Mr Speaker: Order, order!

Mr Pillay Chedumbrum: For security reasons, Mr Speaker, Sir, it is not possible to lay it on the Table of the National Assembly.

Mr Bérenger: Mr Speaker, Sir, there have been rulings by the Speaker that when a hon. Minister takes nearly the whole of the half hour allotted to the PNQ, extra time be given.

Mr Speaker: Yes, you will have extra time.

Mr Bérenger: Thank you, Mr Speaker, Sir. I tried to hear what the hon. Minister said about the value of the three tenderers that came in. I heard 8 million euros and 7 million euros. Can I have the third one? Will the hon. Minister agree that this is way below the Rs1 billion 100 m. that we have signed with Singapore?

Mr Pillay Chedumbrum: The hon. Leader of the Opposition will have to bear with me. I am going to look into it. Give me a few minutes ...

(Interruptions)

Out of the seven submitted proposals, namely Oberthur Technologies for the sum of 6,391,177.88 Euros, SAGEM for the sum of 7,281,377.35 Euros and Gemalto Ltd for sum of 8,433,109.67 Euros.

Mr Bérenger: Even if we take the highest bid, it was less than Rs400 m., and now we are paying Rs1 billion 100 m.

(Interruptions)

Mr Bérenger: Without tenders! The hon. Minister has tried to explain why there has been no tender, whereas on the two previous occasions there had been a tender and a tender was prepared. Does he remember that on 23 November 2010, in this House, he twice gave the assurance that we were going to Singapore Enterprise and CrimsonLogic for advisory services? He twice repeated "The advisory services contract will last for three months. Thereafter, the procurement of the smart cards will be undertaken". Why has he *trahi sa parole* and there has been no tender, Mr Speaker, Sir?

Mr Pillay Chedumbrum: Mr Speaker, Sir, at that particular time, we were on the advisory services stage. We just started the kick-off. I told the hon. Members at that time that if need be we are going to adopt the procurement procedure as may be necessary. But while going through the project, Mr Speaker, Sir, in July 2011, Government agreed for the implementation of the project of the Government to Government agreement with Singapore for the project of NIC. That's why we have adopted this procedure.

Mr Bérenger: Mr Speaker, Sir, he tried to paint the CrimsonLogic in beautiful colours and he even hid behind the Supreme Court. Is the hon. Minister aware that in the last Director of Audit's report, the Director of Audit blamed the fact that the e-Judiciary project was allotted to CrimsonLogic without going through tenders? In fact, Government was blamed for that.

Mr Pillay Chedumbrum: Mr Speaker, Sir, in fact, what happened, the hon. Leader of the Opposition who seems to have information on everything that takes place in this country should perhaps be well advised to find out the name of this notorious agent who hosted a dinner with one of the bidders in a luxurious restaurant where...

(Interruptions)

Mr Speaker, Sir, ...

(Interruptions)

Mr Speaker: Order! Order!

Mr Pillay Chedumbrum: ...where, Mr Speaker, Sir, the guest of honour...

(Interruptions)

Mr Speaker: Order! The hon. Leader of the Opposition may proceed with his question!

(Interruptions)

Mr Bérenger: Shame on them!

(Interruptions)

Mr Speaker: Order!

Mr Bérenger: Mr Speaker, Sir, I had asked how the sum of Rs1,100 m. was arrived at and I am shocked to have heard the hon. Minister say that this, in fact, was the figure proposed by Singapore Cooperation Enterprise. Will the hon. Minister agree that the only way to get value for money would have been to go for tender and not just accept the figure put forward by Singapore Cooperation Enterprise?

(Interruptions)

Mr Pillay Chedumbrum: Mr Speaker, Sir, I have not yet finished with my answer.

(Interruptions)

You have to get it. I am giving it to you.

Mr Speaker, Sir, in fact, if we did not proceed with the SAGEM or other bidder, it was for a simple reason. At a certain point in time, there was a dinner, as I said, hosted in a restaurant....

(Interruptions)

Mr Bérenger: On a point of order,....

(Interruptions)

Mr Speaker: Order! Please, order!

(Interruptions)

Order! I want some order in this House! The hon. Minister has to answer the question put to him!

Mr Pillay Chedumbrum: I am answering, Mr Speaker, Sir. You have to know why we have opted for the Singapore proposal. Because, Mr Speaker, Sir, after the bidding exercise had been completed, something very strange happened, and this, with the guest of honour, who was no less a person than a very high dignitary of the country, and the agent we know who he is.

(Interruptions)

The House would surely appreciate that this is the Government that nipped corruption in its bud by putting an end to a potentially costly scam!

(Interruptions)

Mr Speaker: Order! Order! Please, order! Hon. Leader of the Opposition, proceed!

Mr Bérenger: Mr Speaker, Sir, we have just heard that the agreement between Singapore Cooperation Enterprise and Mauritius will be kept secret as in the case in Jinfei. We have just heard also, that that figure of Rs1,100 m. was the figure proposed by Singapore Cooperation Enterprise itself. Now, since that agreement is not going to be made public, – shame! - can I know whether in that agreement there are procedures to be followed supposedly for that sum of Rs1,100 m. to be increased along the way if proposed by Singapore Cooperation Enterprise? It is in there!

Mr Pillay Chedumbrum: It is absolutely, untrue, Mr Speaker, Sir, for the simple reason, if we had gone by the SAGEM as it was before, only the cost for the production of the card was

estimated at around Rs650 m. There is a series of action that has to be taken for the implementation of the project and through this Government-to-Government agreement, Mr Speaker, Sir, all these have been included, cost inclusive for the production of the card.

Mr Bérenger: Mr Speaker, Sir, Government's refusal to make public that agreement without having gone through tenders, that agreement for Rs1,100 m. between Singapore Cooperation Enterprise and Mauritius is as eloquent as it can be. Can I ask again whether the fact that Government is refusing to make public that agreement is to hide the fact that there are clauses in there that will have as a result that we will pay much more than Rs1,100 m. at the end of the day?

Mr Pillay Chedumbrum: Mr Speaker, Sir, I can assure the House that everything has been done in conformity with all the sections of the law. Everything is in order and we don't have to play around with the subject, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Hon Uteem!

Mr Uteem: Mr Speaker, Sir, the hon. Minister has been a very good salesman for Singapore. May I know from the hon. Minister if he is in a position today to give us at least one example where Singapore Cooperation Enterprise has carried out a National Identity Card Project for a country outside of Singapore?

Mr Pillay Chedumbrum: Mr Speaker, Sir, this I have already given in my answer. If you have gone through it, you will see. I have already given it to you!

(Interruptions)

Mr Speaker: Next question! Hon. Bhagwan!

Mr Bhagwan: Can the hon. Minister inform the House what has been the participation, the involvement of the Chairperson the BOI, Mr Maurice Lam, all through the process at Singapore?

Mr Pillay Chedumbrum: As far as I can recollect, Mr Speaker, Sir, I have not seen his name mentioned in any of these Committees.

Mr Roopun: Mr Speaker, Sir, since this is a Government-to-Government project and in the light of the remarks made in this House today by hon. Members of the Opposition, is the Government ready and willing to make representations to the Singaporean Government to waive this clause of non-disclosure?

Mr Pillay Chedumbrum: My goodness, I could not expect this from a Solicitor! But, anyway, Mr Speaker, Sir, *comme vous le savez le contrat est l'accord de deux volontés pour produire un effet de droit. Donc, le contrat c'est la loi des partis. Les deux partis sont tombés d'accord pour faire le contrat* on a non-disclosure agreement. We cannot, on our side, disclose it.

Mr Speaker: I will allow two more questions! Hon. Lesjongard!

Mr Lesjongard: Thank you, Mr Speaker, Sir. Mr Speaker, Sir, may I ask the hon. Minister whether there was a benchmark with regard to the submission of Rs1.1 billion by the Singapore Cooperation Enterprise and, if yes, what was that value and did we, before signing the contract, compare that amount with other submissions that we had received earlier?

Mr Pillay Chedumbrum: Mr Speaker, Sir, one thing that I have to draw the attention of the House to, that project costed more than Rs1.1 billion...

(Interruptions)

But, Mr Speaker, Sir, we did lower the price. Maybe the hon. Member is not aware. If we have chosen Singapore, you must not limit yourself only to the card. The card represents only 15% of the project. What is most important, Mr Speaker, Sir, is that Singapore ranks first insofar as anti-corruption is concerned. We have chosen to go with Singapore, Mr Speaker, Sir, because it is the world leader in the achievement of efficiency and productivity gains through the extensive use of ICT. According to the...

(Interruptions)

Mr Speaker: Hon. Minister you have answered the question!

Mr Ganoo: Can the hon. Minister inform the House as far as the financial package is concerned, whether there has been any moratorium given to Government to pay for this project and why is it that there have been no serious negotiations, no negotiating panel, no negotiation processed and no attempts have been made to bring down the price proposed by the Singaporean authorities?

Mr Pillay Chedumbrum: The problem, Mr Speaker, Sir, all this I have explained. It is contained in the answer and we have said also how the sum was...

(Interruptions)

Mr Speaker: The hon. Minister has said that he has explained the issue enough. Hon. Leader of the Opposition!

Mr Bérenger: Mr Speaker, Sir, my final question will be to the hon. Prime Minister. Being given that only two years ago, three international firms known for their expertise in that sector, not Singapore, which has no expertise, they all three quoted much less than Rs400 m. Now, we have agreed as proposed by Singapore to Rs1,100,000,000. Can I appeal to the hon. Prime Minister to talk to the Prime Minister of Singapore, to Singapore Enterprise to see to it that we review and we go through a tender to which, of course, Singapore Enterprise would be totally free to participate or, at least, to waive this confidentiality clause and lay a copy of that agreement between Singapore and Mauritius on that issue.

Mr Speaker: Time is over! Questions addressed to Dr. the hon. Prime Minister! The Table has been advised that Parliamentary Question B/611 has been withdrawn and Parliamentary Question B/638 addressed to the hon. Vice-Prime Minister, Minister of Finance and Economic Development will now be replied by Dr. the hon. Prime Minister. In keeping with practice, Parliamentary Question B/638 will be replied by Dr. the hon. Prime Minister at the end of Prime Minister's Question Time, time permitting however.

POLICE BAND FUND – BALANCE, EXPENSES & FEES

(No. B/608) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Police Band Fund, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the -

- (a) balance of the Fund as at June 2001 and 30 June 2012 respectively;
- (b) expenses incurred during the last financial year, and
- (c) fees paid to the Band Personnel for work performed outside working hours.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that prior to 10 July 2001, all fees claimed by the Police Band for private performances were credited to the Police Band Fund. The Fund had been set up under Police Standing Order 78 since the creation of the Police Band to cater for expenses incurred in the repair and maintenance of musical instruments and for other minor expenses of the Band.

Since 10 July 2001, the former Commissioner of Police decided that all payments made in respect of a performance by the Police Band were to be credited directly to the Consolidated Fund of Government. It was decided that the cost of maintenance and repair of musical instruments, other accessories and equipment of the Band would be met out of the Police

Budget. The Police Band Fund remained dormant until July 2008, when the new Commissioner of Police instructed that the Fund be closed and any amount available in its accounts be credited to the Consolidated Fund.

In regard to parts (a) and (b) of the Question, an amount of Rs441,069.79, inclusive of interest, had remained unspent in the accounts of the Fund during the period July 2001 to July 2008. That amount was transferred to the Consolidated Fund on 02 October 2008 and the Police Band Fund was subsequently closed.

In regard to part (c) of the Question, personnel of the Police Band who are called upon to perform outside working hours, that is, after 16 30 hours on week days, and afternoons, on Saturdays, Sundays and Public Holidays are entitled to extra duty allowances at rates approved by the Commissioner of Police as per Police Standing Order No. 86.

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he has information to the effect that the fees paid to the Police Band officers have remained unchanged since 2001?

The Prime Minister: You mean the fees paid while they were performing? As I said, in July 2001, it was decided by the former Commissioner of Police that they will go to the Consolidated Fund, but, unfortunately, for some reasons - I can't really tell you why - the Fund remained dormant there. It is only in 2008 that the new Commissioner of Police moved the Fund to the Consolidated Fund. I suppose they will through the motion and pay whatever has to be paid.

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he will use his good office to look with the Commissioner of Police whether a committee will be set up to review this fee which has remained unchanged during the past eleven years?

The Prime Minister: Just to be clear, Mr Speaker, Sir, the hon. Member means the rate that is payable, she wants this to be changed? That, I am not sure, we can ask him.

**MUNICIPAL COUNCIL OF VACOAS/PHOENIX – MAYOR
– ALLEGED THREAT**

(No. B/609) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Mr N. A., Mayor of the Municipal Council of

Vacoas/Phoenix, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a charge of threatening with bodily harms on one Mr V. M. on 29 September 2012 in Solferino has been preferred against him and, if so, indicate if an inquiry has been carried out thereinto and the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that on Saturday 29 September 2012 at 09 29 hours, one Mr V. M. gave a statement at Quatre Bornes Police Station to the effect that on the same day around 07 00 hours, he saw chicken carcasses from which a bad smell was emanating, nearby his plantation at Solferino No 5, Vacoas.

Prior to giving his declaration, Mr V. M. had called on Mr N. A., owner of the poultry farm and had informed him of the matter. Mr V. M. alleges that Mr N. A. grew vexed and threatened him with a knife. He was not injured and had no witness.

On the same day at 15 50 hours, Mr N. A. called at Quatre Bornes Police Station and he was informed of the charge levelled against him by Mr V. M. He gave a statement denying the charge and stated having four witnesses. He was allowed to go on the condition that he should call back at Quatre Bornes Police Station on 01 October 2012 for further enquiry. On 01 October 2012, Mr N. A. called at the Quatre Bornes Police Station and was allowed to go after enquiry.

On 27 October 2012, two of the four witnesses of Mr N. A. gave their statements to the Police and both have supported the version of Mr N. A.

Police enquiry into the case is ongoing and further action by the Police will be taken in the light of the outcome of the enquiry.

Mr Jhugroo: Is the hon. Prime Minister aware that the Mayor of Vacoas/Phoenix had placed a knife under the throat of his neighbour, Mr Vishal Moochit and threatened to kill him and this has been reported to the Police station of Quatre Bornes and why no action has been taken accordingly?

The Prime Minister: Mr Speaker, Sir, I have just explained that he went to the Police station and made the allegations. The Police have asked Mr N. A. for an explanation. He has given his statement. The Police enquiry is ongoing.

Mr Jhugroo: Is it because the Mayor of Vacoas/Phoenix has got political connection from above *qu'il s'est permis de faire l'élevage et l'abattage des animaux dans sa ferme sans respecter...*

Mr Speaker: I am sorry, your question is out of order. Next question, hon. Nagalingum!

(Interruptions)

ROSE HILL TOWN CENTRE – PROSTITUTION & DRUG-RELATED OFFENCES

(No. B/610) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to prostitution/aggressions and drug-related offences in the Rose Hill town centre, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, over the past five years, indicating if any increase thereof has been noted and, if so, the additional measures taken in relation thereto.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that during the period January 2008 to 24 October 2012, the number of cases of prostitution, larceny with violence and drug-related offences which have been established by the Police in the town centre of Rose Hill are as follows -

Year	Prostitution related cases	Cases of Larceny with violence	Drug-related cases
2008	4	2	10
2009	3	3	4
2010	1	2	6
2011	6	-	4
2012 (as at 24 October)	5	-	5

Mr Speaker, Sir, I should like to inform the House that, as part of its strategy nationwide, the Police has reinforced its measures to curb such crimes. In regard to the town centre of Rose Hill, specifically -

- (i) as from 04 September of this year, a Special Visible Policing Scheme is being implemented in the town centre of Rose Hill between 1900 hrs to 2300 hrs daily under the direct control and command of the Divisional Commander, Western Division with a view to providing greater visibility of Police presence near commercial areas and public places;
- (ii) the Anti-Drug Smuggling Unit personnel in collaboration with the Central Investigation Division, the Divisional Support Unit, the Emergency Response Service and the local Police, has intensified crack down operations so as to deter drug and other illicit activities, both during day and night. Since 2008, 167 crackdown operations have been carried out in the town centre of Rose Hill;
- (iii) Police is conducting regular stop and search exercises in the region, and finally
- (iv) Police is having recourse to intelligence-led policing to fight drug and prostitution problems. Covert operations carried out through intelligence by ADSU Rose Hill have been intensified.

Mr Speaker, Sir, apart from the stringent enforcement measures taken by the Police, the latter is also actively engaged along with other NGOs in awareness campaigns to sensitise the population in the region against the ill effects of drugs and other anti-social behaviours.

Emphasis is being placed on community policing whereby the Police enlists the support of a wide range of stakeholders in the region to draw up the Policing plan which sets out the targeted actions to enhance safety and security in the respective region. So far, 54 community forums have been conducted in the town centre of Rose Hill. The Policing plan of the Western Division for the year 2012 focuses on strategies to combat drugs and crime in the region.

In an endeavour to curb crime, recently, the Police have introduced a new scheme, known as “Crimestoppers”, whereby members of the public, the NGOs, the Media and any other organizations may inform the Police of offenders and any criminal activities on a specific telephone number “148”.

Mr Speaker, Sir, we are investing heavily in the Police Force to ensure that it is adequately resourced to fight crime in general. New tools and technologies are being provided to the Police.

In the Government Programme 2012/2015, we did announce the extension of CCTV Surveillance System to cover other areas around the country. In this regard, tender for the

installation of CCTV System in the town of Rose Hill is being launched during the course of this year.

I am informed that the Police regularly reviews the policing plan in the respective region, including the town centre of Rose Hill and takes additional measures, as appropriate, to meet new challenges.

Mr Bérenger: On a point of clarification, can I ask the hon. Prime Minister, the question referring to cases of prostitution, aggressions and drug-related offences in Rose Hill centre. The question was whether, the hon. Minister would give the number of reported cases. I listened carefully and I heard the hon. Prime Minister giving the list of the cases that had been established by the Police. It is a strange expression, does he mean convictions, and does he have the number of reported cases?

The Prime Minister: As far as I understand, I have the number of convictions and the number of Court cases which are still pending. These are the cases that have been reported.

Mr Nagalingum: Mr Speaker, Sir, in a reply to PQ No. B/271 on May 2011, the hon. Prime Minister, in his reply, announced that the Commissioner of Police has taken several concrete measures to deal with the problem of drugs and prostitution. Considering that all the measures announced have not improved security in the town of Rose Hill, could the hon. Prime Minister inform us what new measures he intends to take and which time frame?

The Prime Minister: In fact, if you look at the figures from, say, 2000, you will see that there has been an improvement in the figures. But I did not want to mention that, Mr Speaker, Sir, but improvement does not necessarily mean what it appears to be. That is why I did not mention it because clearly there has been an improvement. The measures, according to me, are working, but I have mentioned also additional measures that the Police are taking.

Mr Nagalingum: Can I appeal to the hon. Prime Minister to see with the Commissioner of Police for a closer monitoring in the vicinity of gaming houses and casinos because, according to my information, most of these problems start from these surroundings.

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

Mr Bhagwan: Apart from the additional measures taken by the Police, - because we have raised this issue recently - one of the most efficient sections of the Police which seems to me has disappeared, is the bike patrol. We have the *Promenade Roland Armand* - the Deputy Prime Minister, I am sure, knows it very well - where old and young people go for walking and

jogging. There was bike patrol there and there have been cases of aggressions. Can I request the hon. Prime Minister, at least, to see with the Commissioner of Police that the bike patrol be reintroduced in the vicinity of Vandermeersch Street and also to add in the whole strategy, because it is the town of Beau Bassin/Rose Hill which is one of the major sectors where we are having problems.

The Prime Minister: I am aware that ADSU, for example, are using similar patrol. But I will pass on that to the Commissioner of Police.

Mr Speaker: Parliamentary Question No. B/611 has been withdrawn. We pass on to Parliamentary Question No. B/612. Hon. Jhugroo!

POLICE STATIONS (NEW) – CONSTRUCTION

(No. B/611) Mr A. Gungah (First Member for Grand’Baie & Poudre d’Or) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the regions which have been earmarked for the setting up of new Police Stations, he will, for the benefit of the House, obtain from the Commissioner of Police, a list thereof, indicating in each case -

- (a) where matters stand, and
- (b) when construction works are expected to start.

(Withdrawn)

SEPT CASCADES - POLICE CONSTABLES - DEATH

(No. B/612) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the two Police Constables who died at *Sept Cascades* on Saturday 29 September 2012, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) when they joined the Police Force, indicating when they were posted at the *Groupe d’Intervention de la Police Mauricienne*, and
- (b) where matters stand as to the inquiry carried out thereinto.

The Prime Minister: Mr Speaker, Sir, may I start my reply by extending again my deepest sympathy to the families of the two Police Constables who have lost their dear ones in the tragic incident at *Sept Cascades* on 29 September 2012.

In regard to part (a) of the question, I am informed by the Commissioner of Police that the two Police Constables, namely Private N and Private B who died at Sept Cascades on 29 September 2012, joined the Police Force on 05 January 2010 and were posted to the Special Mobile Force to undergo a six-month basic recruits course. On completion of their basic recruits' course, they were posted to the SMF Bravo Company with effect from 30 August 2010. They attended the Police Foundation Course at the Police Training School from 10 January to 11 March 2011. From 14 March to 09 April 2011, they were posted for police duties to the Southern and Eastern Divisions, respectively. Thereafter, they were posted back to the SMF and they performed operational and guard duties.

In May this year, following a selection exercise carried out by the SMF, Private N. and Private B. along with five other Privates were selected for posting to the GIPM as from 11 September 2012 to undergo a six-week training programme.

In regard to part (b) of the question, I am informed by the Commissioner of Police that on 29 September 2012, the team of seven-newly selected Privates of the GIPM, led by Lieutenant S left the SMF compound at 0830 hours for a route march at Tamarin Falls, Henrietta. According to the training programme, a mountain climb was scheduled at Corps de Garde for that day.

At about 1100 hours, an incident occurred where Privates N. and B. disappeared in the lake at the fourth waterfall at *Sept Cascades*. Later, the bodies of both Privates were recovered and conveyed to Victoria Hospital for post-mortem examinations. The Chief Police Medical Officer carried out an autopsy over the bodies of the two deceased and certified the cause of death to be asphyxia due to drowning.

A case of drowning was reported at Vacoas Police Station on the same day at 1645 hours and a Police enquiry was started immediately.

On 01 October 2012, upon the instructions from the Commissioner of Police, the case was then referred to the Central CID for an in-depth enquiry.

In the course of the enquiry, Lieutenant S was arrested on 03 October 2012. On 04 October 2012, a provisional plaint for the offence of "Involuntary Homicide" was lodged against him before the Curepipe District Court. He was released on bail after having furnished a surety of Rs10,000 in cash and Rs50,000 as recognizance. A prohibition order was raised against him on the same day. He will appear before the Curepipe District Court on 05 February 2013.

In the course of the Police enquiry, so far, 31 persons have been interviewed and their statements recorded. On completion of the Police enquiry, the case will be forwarded to the Director of Public Prosecutions for advice.

Mr Speaker, Sir, let me emphasise that the SMF itself is an elite of the Mauritius Police Force. The *Groupe d'Intervention de la Police Mauricienne (GIPM)* is itself an elite within that elite wherein training is very stringent. Selection of Police Officers to join the GIPM is based not only on the overall physical fitness but also on psychological, physiological and moral strength of the candidates.

I wish to take this opportunity to pay tribute to the officers of the *GIPM*.

Mr Bérenger: Can I join the hon. Prime Minister in expressing our sympathy to the families of these two deceased officers. I heard that the Commissioner of Police, at a given point in time, decided to take the inquiry away from Vacoas Police Station to send it to the CCID. Can I know who took the decision to send that inquiry to the Vacoas Police Station - the gravity of the situation? What had happened? Who took that decision to send it to Vacoas Police Station?

The Prime Minister: Normally, they take the decision to go to the Police Station which is concerned in the area that is why he was sent. Given that lots of articles were being written, lots of allegations were being made, the Commissioner of Police decided to move him to Central CID to make sure that people don't say anything has gone wrong with this.

Mr Bérenger: Clearly there has been an attempt at cover-up following that incident. Can I know from the hon. Prime Minister whether the inquiry is being carried out and will establish also how high that cover-up went at the Special Mobile Force, at the Police in general?

The Prime Minister: In fact, Mr Speaker, Sir, that is precisely why the Commissioner of Police - because of allegations, all sorts of stories were coming out - decided to ensure there is no such case of people saying that there has been cover-up; that is why he was transferred to the Central CID.

Mr Baloomoody: In view of the seriousness of the case, especially the Prime Minister, himself, just mentioned that many things have been written about that accident and also the hon. Leader of the Opposition just mentioned that there might have been cover-up in this case, can I ask the hon. Prime Minister whether he is prepared to refer the matter - because Section 110 of the District and Intermediate Courts (Criminal Jurisdiction) Act, especially in suspicious cases, even in accident cases, refer the matter to a Magistrate and get a Senior Magistrate to inquire into

that case because we are having a case of Police inquiring upon Police. This is a fit and proper case to be referred to a Senior Magistrate to conduct an in-depth inquiry into the circumstances of the death.

The Prime Minister: Mr Speaker, Sir, it is not the first time that this has happened. This has happened before; many times Police officers, SMF, GIPM have been involved in incidents. I would rather let the course of things happen, the inquiry. It would be sent to the DPP. I am sure there has been *mort d'homme*; I don't want to prejudice what the DPP will say, but I am sure it will follow this course.

Mr Roopun: Mr Speaker, Sir, I would like to ask the hon. Prime Minister how this training programme was designed? Is it a predetermined one? Is it determined by a team? Can we know who the members of this team are? Does it include doctors, other professionals to know exactly what type of training those elite teams should adhere to?

The Prime Minister: This programme is very stringent, Mr Speaker, Sir. It is very detailed what they have to do, what they are expected. Also I am told that because they are a very elite group, the Commanding Officer – it is not the first time it has happened – can ask them to do something else. So it is not all pre-prepared and laid down. That is how the programme is done. It is very detailed.

Mr Jhugroo: Can the hon. Prime Minister inform the House for what reason the Police Photographer and the officers of the Scene of Crime Office (SOCO) were not present when the bodies were removed from the water?

The Prime Minister: I am not sure whether that is the case, Mr Speaker, Sir. The inquiry will establish it.

Mr Lesjongard: May I ask the hon. Prime Minister - just after that tragic events, the Press Office of the SMF made public statements on the radios - whether what was stated on the radios was vetted by top officials of the SMF before these were made public?

The Prime Minister: It was not vetted.

Mr Bhagwan: Following this tragic incident, there have been a lot of press articles and *méfiance* within this elite group which is the pride of the country. Can I ask the hon. Prime Minister whether a special effort is being done at the level of the SMF or the Commissioner of Police, in terms of teambuilding and reassemble all the *GIPM* people to see further, to see ahead, at least, for the sake of the country?

The Prime Minister: That is a very good suggestion, which actually we are doing. I am having talks with them that this is a very elite force we need to have in any country and, therefore, we need to make sure that their morale is high; that is why I took this opportunity of congratulating and thanking them for what they do for this country.

Dr. S. Boolell: In view of the fact that this case has attracted a lot of attention, could the hon. Prime Minister kindly request the Commissioner of Police to have inquiry time-barred, time-framed so that some form of compensation may be paid to the family of the two young breadwinners who are involved in this case. That would help boosting the morale of the *GIPM*.

The Prime Minister: I would like it to be done as expeditiously as possible, but I don't think I can ask the Commissioner to put a time frame on it. The whole idea is to do it as quickly as possible.

Mr Speaker: One last question from hon. Jhugroo!

Mr Jhugroo: Can the hon. Prime Minister confirm to the House whether there was a tailor-made declaration on a piece of paper found in possession of the other five recruits of the *GIPM*. Lieutenant Sookur and the five recruits, instead of being carried in different vehicles, were carried in the same vehicle in company of other SMF officers? Has any inquiry been carried out and what is the outcome thereof?

The Prime Minister: Mr Speaker, Sir, I hear that the hon. Member is pointing fingers to Inspector Sookur. There is an inquiry that is going on. I cannot now go and prejudice the inquiry, this is not my role. Some people think that the Prime Minister can do it – I can do a lot of things, but not that.

MUNICIPAL ELECTIONS - LEGISLATION

(No. B/613) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Municipal Elections, he will state if Government will consider amending the legislation to provide for the holding thereof to be enshrined in the Constitution.

The Prime Minister: Mr Speaker, Sir, provisions already exist in the Local Government Act 2011 for the holding of Municipal Elections every six years on such date as the President may appoint.

This, I must point out to the hon. Member, is in line with what pertains in many other countries.

Therefore, I see no justification for the Elections to be dealt with in the same manner as the National Assembly Elections.

Mr Ramano: M. le président, le législateur en 1982 a donné toute son importance à la tenue des élections générales tout en assimilant surtout – je fais ici mention à la section 47 de la Constitution – la section 47 relative aux élections à la section une, qui fait mention que Maurice *shall be a sovereign democratic State*.

Le principe démocratique est strictement lié à la tenue des différentes élections. Pourquoi ne pas étendre ce principe aux élections municipales et aussi aux élections villageoises ?

The Prime Minister: As I said, Mr Speaker, Sir, this is in line with what many countries have. I have a list of countries that are similar. In former Commonwealth countries like Trinidad and Tobago, it is exactly the same. In Jamaica, it is the same. In Bahamas, it is the same. In Barbados, it is the same. I don't see why we should depart from this situation, Mr Speaker, Sir.

Mr Baloomoody: The hon. Prime Minister is mentioning several countries where it is the same, but in these countries they do have the election within the prescribed time, be it five years or six years. In this country, we are postponing election. This is why we are saying...

Mr Speaker: I am sorry, this is not a question. The hon. Member is making a statement.

(Interruptions)

Please, I am on my feet!

(Interruptions)

If the hon. Member has a question, he may put his question.

Mr Baloomoody: In view of the fact that election has been postponed by this Government, is the hon. Prime Minister prepared to ensure to have it in the Constitution so that, as from now, no Municipal Elections will be postponed?

The Prime Minister: Mr Speaker, Sir, the hon. Member has a very, very short memory. When they were in Government, Village Elections were postponed not once, twice, but three times.

(Interruptions)

Yes, I have the figures here. They have forgotten. Municipal Elections, the then government...

(Interruptions)

Mr Speaker: Please, order!

(Interruptions)

Order! Please, proceed!

The Prime Minister: They forget. I understand this. It happens. It is well known. You do something and you forget. In 2003, the Government then amended section 11 of the Local Government Act of 2003, and said that Municipal Elections shall be held in the year 2004. It specifies the year 2004 and thereafter every six years. That amendment was passed. In 2004, the law was amended for the Municipal Elections to be held in 2006. There might be reasons. I am not contesting, but it was amended...

(Interruptions)

No, they were not. You see, you forgot...

(Interruptions)

No, you have forgotten. When we came into Government in 2005, we re-amended the law to have the election in 2005 instead of 2006...

(Interruptions)

Mr Speaker: Order, please!

Mr Jhugroo: Mr Speaker, Sir, the hon. Prime Minister just mentioned a list...

(Interruptions)

Mr Speaker: Hon. Members, I am on my feet!

(Interruptions)

Order!

(Interruptions)

Order, I said! Order! Now the hon. Member may proceed with his question.

(Interruptions)

Please, I've said put the question!

Mr Jhugroo: The hon. Prime Minister just mentioned a list of a few countries and I know he always refers to Singapore. Can I know why he has not mentioned Singapore regarding the municipal elections to see whether it is same there?

The Prime Minister: I did not mention Singapore; that is a different country as far as democracy is concerned, as you know.

(Interruptions)

Mr Speaker: Order!

SOCIAL WORKER - MR L. A. – DEATH

(No. B/614) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to late Mr L. A., he will state if he will consider setting up an independent inquiry to be presided by a Senior Magistrate to investigate into his death, in view of the circumstances in which his dead body was found.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, following a request made by one Mr A.A. on 01 October 2012 at 07.55 hours, Inspector Lactive and a team of officers from Tombeau Bay Police Station attended to a case of hanging at New Dockers' Village.

When Police arrived there, one Mr L.A., a social worker, was found hanged in an open veranda at the rear of his house with a bed sheet tied to his neck. His hands were loosely tied in front with a piece of raffia ribbon and his feet loosely tied with a piece of black lace. A metal stool was found near the body and the same was overturned on one side. No injury was found on the body.

Upon instructions from the Chief Police Medical Officer, the body was removed and conveyed to Dr. Jeetoo Hospital Mortuary for an autopsy. The Divisional Commander of the Metropolitan "North" in company of other Senior Officers, including the local CID, the SOCO, the MCIT personnel and the Police Dog Section also attended to the case. The autopsy report revealed that the cause of death was "asphyxia due to hanging".

During the course of the enquiry, statements have been recorded from four persons. A pair of spectacles, a diary, a mobile phone, an I-Pad 3 and a suicidal note have been secured as exhibits. Some of these have been sent to the Police IT Unit and the Handwriting Expert for examination. Blood and other specimens have also been taken for examination purposes. The report from the Forensic Document Examiner in respect of the personal diary and suicidal note have been submitted and other reports are still awaited.

Enquiry into the case is progressing and upon completion thereof, the case file will be referred to the Office of the Director of Public Prosecutions for advice.

Mr Speaker, Sir, Section 110 of the District and Intermediate Courts (Criminal Jurisdiction) Act provides that an investigation may be initiated by a Magistrate in case of violent death where he has been informed that a person -

- (a) has either committed suicide;
- (b) has been killed by another, or by an animal or by machinery or an accident;
- (c) has died under circumstances raising a reasonable suspicion that some person has committed an offence, or
- (d) has died in prison or while in custody of the Police.

However, the procedure provided for in that section is rarely used as Magistrates will in practice not initiate an investigation where a Police investigation into the cause of the death has not been completed and the Police enquiry file has not been studied by the Office of the DPP. Pursuant to sections 111 and 112 of the District and Intermediate Courts, the DPP, having studied the file, may where the circumstances so warrant, require a Magistrate to hold a judicial enquiry into the cause of a violent or suspicious death or a death due to unnatural causes, and circumstances connected to it. Such an enquiry is held in open court.

Mr Speaker, Sir, the independence of the institutions involved in the above procedure cannot be questioned given that a police enquiry is under the supervision of the Commissioner of Police who has security of tenure under section 71(4) of the Constitution and who, in the exercise of his responsibilities and powers with respect to the use and operational control of the Force - the hon. Member knows - cannot be subject to the direction or control of any person or authority.

Further, the independence of the enquiry into any case of suspicious death is further guaranteed as it is the DPP, who is an independent law officer pursuant to section 72 of the Constitution, who will decide whether to require a Magistrate to hold a judicial enquiry.

In the light of the above, Mr Speaker, Sir, the need to set up an independent enquiry into the death of Mr L.A. will be determined through the mechanisms set out under our Constitution and other laws.

Mr Speaker: Time is over! I suspend the sitting for one and a half hours for lunch.

At 1.04 p.m. the sitting was suspended.

On resuming at 2.41 p.m. with the Deputy Speaker in the Chair.

**TRAINING & EMPLOYMENT OF DISABLED PERSONS BOARD – EMPLOYEE -
SEXUAL ASSAULT**

(No. B/617) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to an alleged case of sexual assault by an employee of the Training and Employment of Disabled Persons Board, in 2008, she will, for the benefit of the House, obtain from the Board, information as to if the internal inquiry carried out thereinto has been finalised and if so, indicate -

- (a) when;
- (b) the findings thereof, and
- (c) if the matter has already been referred to the Police.

Mrs Bappoo: Mr Deputy Speaker, Sir, I am informed that the Training and Employment of Disabled Persons Board had reported to the Permanent Secretary of the Ministry of Social Security an alleged case of sexual assault on 22 November 2010, on a trainee involving one of its employees in the year 2008, following a complaint made by the parents of the trainee at the TEDPB on 18 November 2010, after they had received an anonymous call on that same day.

My Ministry has also been informed by the Board that -

- (i) an *ad hoc* Board meeting met on 22 November 2010, to look into the matter, and
- (ii) a preliminary inquiry was carried out by management.

However, considering the seriousness of the matter, the then Minister of Social Security, National Solidarity and Reform Institutions referred the case to the Commissioner of Police on 24 November, 2010 for investigation.

Since the case was under Police investigation, the Board had to wait for the outcome of the Police enquiry.

It is to be noted that according to the logbook and the records of the TEDPB, the employee involved in the alleged case was posted to the Centre for Severely Disabled Persons at Pointe aux Sables from February 2008 to March 2009 and the incident allegedly took place in October 2008.

Even then, the Board took a decision to transfer the employee who was involved in the alleged case from Calebasses to Flacq sub-centre on 07 December 2010, since the employee was

on leave from 23 November 2010 to 10 December 2010. As far as the trainee is concerned, she stopped attending the Centre since 22 November, 2010.

Mr Deputy Speaker, Sir, as the matter has been referred to the Police, the Commissioner of Police officially informed the Ministry in a letter dated 13 December, 2010 that an enquiry was carried out into the matter and the Police met the father of the trainee who confirmed that his daughter is mentally retarded. The father was neither willing for the Police to interview his daughter nor to take any further action into the matter.

However, on 28 January 2011, the parents of the trainee were again convened by the Police, but they still did not wish the Police to go ahead with the case.

Moreover, in another letter dated 03 March 2011, the Commissioner of Police informed the Ministry that the Psychologist who attended the case also stated that the trainee was mentally retarded and that she had not reported the matter to her parents at that time, that is, in the year 2008, and that on questioning, she could not recall the exact date and month. However, she vaguely mentioned that it could have been in October 2008. She also reported that the parents were not willing to report further on the case.

I wish to further inform the House, that according to a written Statement from the employee of the Board also, the latter informed that he was not involved in the case and that he was not working at Calebasses at the time of the alleged incident in 2008.

In view of the fact that the Police did not proceed with the enquiry at the request of the parents and that there was no evidence to substantiate the allegation made, the Board could not proceed any further.

Mrs Labelle: Mr Deputy Speaker, Sir, in an answer given to the House in December 2010, it was stated, allow me to quote, that -

“An internal inquiry was being carried out.”

And there was no mention in that answer that this person was working at Pointe aux Sables as just stated by the hon. Minister. May I ask the hon. Minister whether this inquiry which was said was being carried out was, in fact, carried out and what was the outcome? And also when the person was transferred to Flacq, was he transferred to be Officer-in-charge of the centre of Flacq?

Mrs Bappoo: First of all, Mr Deputy Speaker, Sir, the then Minister of Social Security informed that on 22 November, the Board had an *ad hoc* meeting and they took the decision to

have an inquiry. This was replied in the answer on that date. Then, the Ministry informed the Police on 24 November about the alleged allegation against that employee. Then, the Board – after the reply to the PQ – decided pending Police inquiry, they are not going to further inquire, they were waiting for the investigation done by the Police. Now, I have related the details about the official correspondence from the Police to the Ministry that the father did not want to pursue further in the case and they wanted the Police to stop all actions. This is one.

Secondly, in that same question, it was not mentioned – I don't know because I did not answer to the question at that time – by the then Minister that the alleged employee was posted at Pointe aux Sables. Today, the question is being put to me, I have requested for all the details. And I have been informed that from beginning of 2008, for the whole year of 2008 up to 2009, he was posted to help in the centre at Pointe aux Sables because there was lack of employees there. This was an internal arrangement. There was no question of alleged accusation anything at that time. But it was only in 2010 that the complaint was made from an anonymous call to the parent. That is in 2010, two years after. And at that time, in 2008, the alleged employee was attached in Pointe aux Sables which means that he was not driving any vehicle for the trainees to be brought back home.

And then, regarding the last question, the hon. Member wanted to know as to whether he has been transferred to Flacq as responsible officer, the answer is: No! He is an attendant posted at Calebasses. When the case came up in 2010, immediately the Board decided to transfer that alleged person to Flacq because they did not want that person to meet that trainee any more. But, unfortunately, the trainee herself stopped work. So, he was in Flacq.

Mrs Labelle: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether she is aware that the same person was found guilty of brutality in a previous case? And here too, allow me to quote reply to PQ No. 794, where it is stated that the charge leveled against the employee was proved to be true. Can I ask the hon. Minister whether she is aware that it is the same person - I have heard the hon. Minister mentioning that the employee is an attendant - and that this employee is delivering courses to the trainees at Flacq?

Mrs Bappoo: I was aware about the case which happened before that alleged accusation and there was a Parliamentary question set to the Minister at that time and the answer was given. I was already aware. It was not a sexual aggression, it was something else. But I am informed

concerning the posting of that person in the workshop that he is an office attendant. Maybe from time to time he might be helping in the training courses, but he is not a trainer for trainees.

ST ESPRIT COLLEGE, RIVIÈRE NOIRE – ROAD SAFETY & SECURITY

(No. B/618) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to road safety and security, he will state if he has received any correspondence dated 24 July 2012, from the Manager of the St Esprit College, Rivière Noire, expressing his deep concerns of risks of accident within the vicinity thereof and if so, indicate the measures taken in relation thereto, if any.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker Sir, I have been informed that a correspondence dated 24 July 2012 from the Manager of St Esprit College was received at the Traffic Management and Road Safety Unit (TMRSU).

The TMRSU, therefore, carried out a site visit and recommended the road safety measures to be implemented. Same was approved by my Ministry and the authorities concerned have been assigned the different tasks, including, *inter alia* -

- (a) the proper fixing of the STOP sign and redoing the STOP line marking which is essential to prevent overshooting at this T-junction;
- (b) to deter speeding, ongoing speed enforcement activities shall be carried out over a long period of time at this locus by the Traffic Police as the construction of road humps along this classified B Road are not recommended, and
- (c) handrails found on one edge of [B9] road would be removed and replaced by guardrails over a length of about 40 m.

I also wish to inform that Mr Patrick Antonio of Collège du Saint Esprit Rivière Noire was made aware of the above recommendations and on 24 August 2012 he acknowledged our correspondence.

Mrs Radegonde: Mr Deputy Speaker, Sir, I would like to draw the attention of the hon. vice-Prime Minister to the fact that since the implementation of the St Esprit College at Rivière Noire, the Rector has sent three letters addressed to his Ministry and the Road Safety Unit. The two letters addressed to his Ministry dated 08 September 2008 and 24 July 2012 respectively and

another one dated 06 April 2009 was addressed to the Road Safety Unit. In a reply to hon. Ganoo on 16 June 2009, using the hon. Vice-Prime Minister's words, I quote –

“Upon request, the Ministry of Housing and Lands has initiated action for compulsory acquisition of land on both sides of the road for the construction of lay-by and footpath.”

Over three years, I heard the same answer concerning the lay-by, the STOP sign and again the hon. Vice-Prime Minister just mentioned: (a) to fix the STOP sign, and (d) provision of pavement footpath. May I ask the hon. Vice-Prime Minister if he has acquired land and what next step to be taken as a measure of priority to ensure the safety of the students of St. Esprit College and its vicinity?

Mr Bachoo: Mr Deputy Speaker, Sir, in fact, I conducted two site visits. Last week, I was on the spot. It is a very dangerous situation there and for the last three years, in fact, we have been looking for ways and means to improve the situation. Last week I was there together with the Minister of that Constituency, hon. Hervé Aimée. We went on the site accompanied by all technicians of my Ministry. In fact, we wanted to put a footbridge but, unfortunately, the situation is such that the bridge will not be able to sustain the footbridge. I have got a report, which I did not mention, but which clearly spells out that a new structure has to be put on the spot and that is the reason why I could not put up the footbridge, which I had already promised earlier. What we are doing now is that we are working on the detailed design of a new bridge because heavy vehicles cannot pass over that bridge. I would request the hon. Member to bear with me, the detailed designs are being prepared and shortly, we will go for the Project Planning Committee (PPC). Once it is approved, steps will be taken to have a new bridge constructed.

Mr Ganoo: May I, very humbly, ask the hon. Vice-Prime Minister to expedite matters in view of the heavy flow of transport that is now going through this region. Five hundred meters away there is *La Balise* project where about hundred villas are being sold; a kilometre away there is another new *morcellement* of about one thousand plots which are being sold and which have already been marketed. It is becoming a very dangerous area and that is why I appeal to the hon. vice-Prime Minister to expedite matters.

Mr Bachoo: Mr Deputy Speaker, Sir, that is the reason why last week we conducted a site visit and the detailed designs were nearly in completion. Once the designs are completed, we will go for the PPC and seek for the financial clearance.

Mrs Radegonde: Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister stated that the provision of traffic lights at T-junction leading to the school is not recommended. I am sure that the hon. Vice-Prime Minister is aware - and hon. Ganoo has just raised it - of the increase in traffic due to industrialisation and *morcellement* project in this region. My question is whether we are waiting for a fatal accident to provide traffic lights as there is a dark spot over the bridge towards *Case Noyale*.

Mr Bachoo: Mr Deputy Speaker, Sir, I cannot take up a traffic light and put it on my own. In fact, the TMRSU has requested that this is not warranted there and that is the reason. What they have mentioned clearly is that we are bound to put a footbridge. We wanted to start the work but, ultimately, when we read the report of Luxconsult, we found that it is impossible for us to put up a footbridge. The bridge will not sustain it and that is why we are precipitating and we want to construct a new bridge over there.

The Deputy Speaker: The Table has been advised that PQ Nos. B/631 and B/633 have been withdrawn. Next question, hon. Mrs Radegonde!

SAVANNE & BLACK RIVER – UNEMPLOYMENT - SURVEY

(No. B/619) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the rate of unemployment in Constituency No.14, Savanne and Black River, he will state if a survey has been carried out to identify the nature and root causes thereof, indicating the remedial measures that his Ministry proposes to take, if any, and if so, give details thereof.

The Minister of Education and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, with your permission, in the absence of my colleague, I will reply to this question.

First of all, I wish to inform the House that unemployment rate is not usually recorded constituency-wise.

However, registration of job seekers by the Employment Service of the Ministry of Labour, Industrial Relations and Employment is carried out on a regional basis in the 13 Employment Information Centres around the island.

For Savanne-Black River regions, the number of registered job seekers stands at 2,311 (1,013 male and 1,298 female) as at 30 September 2012. I am informed that, out of this number, 1075 (260 male and 815 female) are really unemployed and 1,236 (753 male and 483 female) are

in some sort of employment and are, either looking for a better job or for a job in the public sector.

Mr Deputy Speaker, Sir, the Ministry is presently updating, at national level, the profile, status and preferences of job seekers registered at the Employment Information Centres. This exercise which is ongoing will enable the Ministry to match demand with skill requirements.

To address the problem of unemployment, the following measures are being undertaken by the Ministry –

- (a) sensitising the unemployed with focus on women, especially in the deprived areas, to register themselves with the Employment Information Centres across the island;
- (b) organising a series of job fairs on a regional basis in collaboration with the private sector;
- (c) implementing, on a pilot basis, the National Youth Employment Programme for those aged between 16 and 25 years to provide the youth with apprenticeship, training and placement in various sectors of the economy;
- (d) re-engineering the Employment Information Centres into *Pôle Emploi* with the assistance of *Agence Française de Développement*, the objectives of which is, *inter alia*, to provide registered job seekers with personal advice and counseling in job search and professional orientation based upon their competencies;
- (e) implementing Circular Labour Migration programmes with Canada, Italy, France and the Gulf countries to facilitate job seekers to obtain employment, and
- (f) implementing training and placement schemes in collaboration with HRDC and NEF.

I wish to reiterate the commitment of the Government to address the problem of unemployment with due attention, especially to the deprived areas including, of course, those in the Savanne-Black River regions.

Mrs Radegonde: Mr Deputy Speaker, Sir, my question was: if any survey had been carried out. I wanted to know the nature and root causes thereof.

Dr. Bunwaree: I am not aware of surveys being carried out by the Ministry of Labour, but surveys are carried out by either the National Empowerment Foundation or the Ministry of

Finance. But the question is put to the Minister of Labour and there is no trace of any surveys being carried out. But, of course, all these are discussed at national level.

Mrs Hanoomanjee: Can the hon. Minister say whether he is aware that, amongst those he said are in employment but are looking for better jobs, there are those who are working on an *ad hoc* level, that is, they are working whenever they get a job and sometimes they don't have any jobs, and so they are out of jobs, and they are those people who are living below poverty level?

Dr. Bunwaree: I am aware of that. I am also an elected Member of a constituency where we have the same problems. I am sure this problem is on a national level, in pockets of poverty. This is taken up by the National Empowerment Foundation, the Ministry of Social Integration and the Ministry of Finance. Budget is coming. All this is usually being discussed. Further projects may come out to try to come to the help of these people.

Mrs Radegonde: Mr Deputy Speaker, Sir, I heard a lot of programmes and activities. What I am well aware is that only one job fair has recently been carried out at the Souillac Youth Centre. May I ask the hon. Minister how all this information about awareness or sensitisation is being carried out in the region and how many unemployed people have been outreached with this?

Dr. Bunwaree: I put the question to the officials of the Ministry. In fact, there will be other fairs carried out in the regions mentioned, that is, Black River and Savanne. I must say that the fairs that are carried out yield results. This is why the policy is to continue with these. We will try to see in what way we can help the hon. Member in her constituency. But I must say that, according to the Statistical Office - documents that have been sent in order to prepare the reply to this question - I am informed that an estimate based on the 2011 housing and population census indicates an employment rate of around 7% for Constituency No. 14. This comes from the Director of Statistics. So, the percentage does not show, as compared to other regions, that the situation is dramatic. The point raised by the hon. Member will certainly be taken into consideration by my colleague.

Mrs Radegonde: Mr Deputy Speaker, Sir, I take note of the percentage of people unemployed in my constituency, but I would also like to ask the hon. Minister if he is aware of the influx of immigrants from China, India, South Africa or other countries who have been

contracted to work for some companies in this region, and if he will investigate the reasons thereof.

Dr. Bunwaree: This, Mr Deputy Speaker, Sir, will certainly be done.

NATIONAL HOTEL RATING SYSTEM

(No. B/620) **Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Tourism and Leisure whether, in regard to the proposed implementation of a national hotel rating system, he will state where matters stand.

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, the House may wish to note that the formulation of an official rating system for hotels was announced in the 2012 Budget Speech, as a means of upholding the quality image of the destination.

In this regard, I am informed that a rating system has been put in place since April 2012 whereby some 79 hotels operating in the country have been allocated a star grading based on universally accepted criteria reflecting the characteristics of a tropical island and their professional recognition by foreign tour operators.

The rating system has since been consolidated with the elaboration of a manual providing for a complete set of technical criteria based on international norms and adapted to the Mauritian context.

Ms Anquetil: Can the hon. Minister inform the House how many hotels did not agree with the MTPA rating system and have not been listed on the MTPA website?

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, we don't have any official complaints, but there were two hotels which were on the newspapers.

Concerning the number of hotels which are not on the grading system, I have a list of 46 hotels, which I can table.

Mr Bhagwan: Can the hon. Minister inform the House which authority carried out this exercise, who were the members of the authority who did that job, and what were their remuneration? The hon. Minister can circulate the list afterwards. I would also like to know whether that exercise was done in a fair and equitable manner and not to protect a few friends.

Mr Yeung Sik Yuen: Not at all, Mr Deputy Speaker, Sir. We always work in collaboration with stakeholders. The MTPA was mandated to talk with the stakeholders, and we have come with the list of criteria.

Ms Deerpalsing: May I ask the hon. Minister whether in this rating consideration has been given to carbon level rating, which is one thing that is very topical these days with *Maurice Ile Durable* and is being done in others countries.

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, it is not available on this rating system. However, we have an eco-green label coming soon.

Ms Anquetil: Can the hon. Minister inform the House whether our hotel rating system is in harmony with the regional standards, *sachant qu'un* hotel rating system *est déjà en place aux Seychelles et à la Reunion*?

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, in fact, we are the only island which has an official grading system in the region.

Ms Anquetil: Being given that tourism regulations and standards play a significant role in the development of any country's tourism industry, can the hon. Minister inform the House whether his Ministry will consider introducing a restaurant rating system?

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, it will be taken into consideration.

Mr Uteem: May I know from the hon. Minister whether, in the course of the exercise carried out, there were any inconsistency between the rating of the hotel given by his Ministry and the rating of the hotel, which may be part of an international chain, as they advertise themselves internationally?

Mr Yeung Sik Yuen: I don't think so, Mr Deputy Speaker, Sir. This rating system is adapted to the Mauritian market.

Mr Bérenger: Can I ask the hon. Minister how authoritative is the system? Is it voluntary? Do all hotels have to qualify? If a hotel says that it is a five-star when it is classified as a four-star, what is the penalty?

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, it is a voluntary system.

DIABETES - ACTION PLAN

(No. B/621) **Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Health and Quality of Life whether, in regard to diabetes, he will state the latest available statistics in relation thereto, indicating if his Ministry proposes to set up a strong action plan for the prevention and control thereof.

Mr Bundhoo: Mr Deputy Speaker, Sir, given the complex nature of the question, I request your permission to table a statement giving all the details relating to statistics about

diabetes, measures taken as per our Action Plan for the prevention and control thereof, as well as outcomes achieved so far.

However, Mr Deputy Speaker, Sir, allow me to highlight a few salient points.

Statistics

- NCD Survey 2009 – It is estimated that 172,400 persons between the age of 25 and 74 years have diabetes in Mauritius, that is, 23.6% of that population.
- National Diabetes Register – As at October 2012, 104,432 cases of Type 2 Diabetes and 356 cases of Type 1 Diabetes have been registered.
- A general decreasing trend has been observed in admission of patients at government hospitals, treated for cardiovascular diseases and diabetes and their related complications, that is, from 15.1% in 2005 to 13.4% in 2011.
- The percentage of deaths due to heart diseases (a major complication of diabetes) has decreased from 22.8% in 2005 to 17.3% in 2011.
- There is, however, a stabilisation of the rate of lower limb amputations. New cases of non-traumatic amputations performed in governmental institutions have decreased slightly from 292 in 2010 to 284 in 2011.

Mr Deputy Speaker, Sir, as you will note from the statistics, we are beginning to see – though minute - some positive outcomes from measures taken. In fact, I wish to remind the House that a National Service Framework for Diabetes (NSFD) was a major component of the Government Programme 2005–2010. The Prime Minister has personally approached Professor David Owens, Sir George Alberti and Professor Paul Zimmet, all renowned international experts in diabetes for the elaboration of the first National Action Plan on Diabetes, the NSFD, formulated after consultation with all stakeholders.

Mr Deputy Speaker, Sir, the NSFD was launched in 2007 and allow me to highlight some major measures taken which have contributed to the favourable outcomes -

Prevention

- A Strengthened National Awareness Campaign is ongoing.
- A Comprehensive School Health Programme has already been launched and Regulations passed for sale of food in school canteens.
- A National Action Plan on Physical Activity is being implemented.

Treatment

Introduction of -

- Glycosylated Haemoglobin (HbA1c) testing, a basic tool essential for monitoring and treatment of persons with diabetes in 2007.
- Podiatry Service in 2007.
- A National Digital Retinal Screening Service in 2011.
- Tobacco cessation clinics in all Health Regions in 2012.

Type 1 Diabetes

As far as persons with type 1 diabetes are concerned, following a personal initiative of the Prime Minister, these patients are being provided with free glucose meters and test strips. They also now have access to the latest insulins, that is, insulin analogues.

Capacity Building

A National Diabetes and Vascular Health Centre opened in 2010. A major capacity exercise is under way with training of nurses as Diabetes Specialist Nurses and Foot Care Officers and training of Diabetologists.

With your permission, Mr Speaker, Sir, may I submit a copy of the statement.

Ms Anquetil: Mr Deputy Speaker, Sir, being given that many people, including children are unaware that they have diabetes, can the hon. Minister inform the House what is being done by this Ministry to help the population at large to take part in diabetes early detection?

Mr Bundhoo: I thank the hon. Member for the question. I have to add here, Mr Deputy Speaker, Sir, that from internationally accepted norms, for every patient detected with diabetes there is at least another one who is not detected with diabetes. That is why when the hon. Leader of the Opposition asked me to reconfirm the figure, I did reconfirm the figure. At the moment in time, from official record, 23.6% of the population are recorded diabetes. Unfortunately, we also have, at least, 20 to 23 % of what is called 'pre-diabetic people' in Mauritius. This is precisely why the hon. Prime Minister in his wisdom has taken upon himself personally the initiative to call upon his friend...

(Interruptions)

Please! Mr Deputy Speaker, Sir, if you will bear with me.

(Interruptions)

The Deputy Speaker: Let the hon. Minister answer, please!

Mr Bundhoo: This is a very serious issue.

(Interruptions)

My good friend ...

(Interruptions)

The Deputy Speaker: Order! Order, please!

Mr Bundhoo: This is a serious issue. It is because it is a serious issue that the hon. Prime Minister has taken it upon himself - I am sure all previous Ministers of Health will agree with me, including hon. Mrs Hanoomanjee, hon. Dr. Jeetah, hon. Satish Faugoo and myself. We all know the difficult time we spend with the hon. Prime Minister regarding his personal follow-up as regards diabetic and diabetic control and his personal initiative. I can assure the hon. Member that all over the years the Ministry of Health has introduced the mobile clinic and, in fact, with the mobile clinic we have been issued the All African Best Methodology Awareness Campaign in 2010. If I am not mistaken, it was hon. Mrs Hanoomanjee who was the Minister at the time when we received the awards.

Secondly, there is an ongoing programme in all schools with regard to detection and sensitisation. And as I said earlier, we are leaving no stone unturned in order to sensitise people regarding diabetes and related diseases associated with diabetes.

Dr. S. Boolell: Being given, Mr Deputy Speaker, Sir, that the hon. Minister has spoken about a comprehensive school programme and there has been a follow-up question by hon. Ms Anquetil, I wish to ask him to be more precise, whether he could indicate how many children are actually screened every year, how much staff is involved and what is the outcome of this investigation and what stage of childhood is the child being investigated and how often in a year?

Mr Bundhoo: Mr Deputy Speaker, Sir, I again thank my hon. colleague. He has been a doctor in this service and he knows that very well. Over the last years, we have screened 23,000 students with the help and collaboration of the Ministry of Education and we have a full team of doctors and nurses who go in all schools with mobile clinic to do what is called a sensitisation campaign.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, to come back to this specific question, can I ask the hon. Minister whether he has been made aware that there was already a national framework for diabetes which had been worked out as far back as June 2011 and, whether he

proposes now to come back again with another national plan of action? Can he clarify on this issue?

Mr Bundhoo: Mr Deputy Speaker, Sir, the origin of the plan of action that is presently being implemented was initiated in 2007 and, if I am not mistaken, has a lifespan of 10 years, that is, in 2017. As all things in life, nothing is static. In view of the situation this Government is prepared to review all plans as and when required.

Mr Bhagwan: Has the attention of the hon. Minister been drawn by people of his own constituency to the fact that many diabetic patients go to hospital and are having problems concerning their drugs? Can the hon. Minister inform the House whether an assessment has been made and whether stocktaking has been effected concerning the existing drugs – *peut-être qu'il y a des comprimés périmés*. Can the hon. Minister inform the House what immediate action he intends to take to review the whole system of drugs and medicines for the diabetic patients?

Mr Bundhoo: As far as I understand, Mr Deputy Speaker, Sir, once a patient is diagnosed, the doctor will recommend whether he will be on medication and what type of medication and this medication is always available at the area health centres or the nearest hospital to which he goes.

Mrs Radegonde: Mr Deputy Speaker, Sir, we all agree that for every one diagnosed patient one remains undiagnosed; there are others who are diagnosed too late and therefore had to have amputation of limbs. May I ask the hon. Minister what support do they have in place to improve the quality of life of these patients? What system do they have in place to provide them with adequate equipment and community care that they deserve?

Mr Bundhoo: Mr Deputy Speaker, Sir, my colleague, the hon. Minister of Social Security, National Solidarity and Reform Institutions do make provisions for those unfortunate people who, unfortunately, have to go through this trauma.

Dr. Hawoldar: Mr Deputy Speaker, Sir, may I ask the hon. Minister that in his protocol for the treatment and follow-up of diabetic patients, whether he has put a timeframe in as far as the appointments are concerned? I am talking about this out of what I see every day, because we have got many diabetics who get appointments in the dispensary, but once every six months which means that between the two appointments there might be four months in between where the blood sugar is high. Being given that we are employing more doctors now and more dieticians, would it not be better in the protocol to set it up that those diabetics should be

reviewed preventively every two and a half or three months? But not beyond three months because twice in a year for a diabetic to get his blood test done and seen by a doctor, the risk of the disease being not controlled and the complications coming up are more.

Mr Bundhoo: I thank the hon. Member for his suggestions. I am going certainly to pass it on to the CMO. But I can assure the hon. Member, I guess with the sensitisation campaign that we do now, diabetic patients do have what is called a *glucomètre* at home. They do regular tests by their own means - within the family - with regard to the level of sugar. If for any reason, it is more than it should be or much lower than it should be, they always have the possibility of going to the nearest health centre. But I do agree with you, probably, that we should review the protocol instead of taking fasting blood samples once every six months, we could probably do it for a shorter period in order to ensure that there is more regularity.

Mr Obeegadoo: Mr Deputy Speaker, Sir, I have heard the hon. Minister speak of screening, curative progress, percentage of death and so on. I have heard very little about prevention. I would like to ask the hon. Minister why is it that despite this very high prevalence of diabetes, up until now, there is no preventive campaign targeting the whole population on the nutritional habits, lack of physical activity, using, as elsewhere, posters, adverts, in schools, beyond schools, aggressive measures to change the nutritional habits of the Mauritian population?

Mr Bundhoo: Mr Deputy Speaker, Sir, all that the hon. Member has mentioned, I have already said it in my reply.

(Interruptions)

Can I say something? Physical activities are ongoing. The Ministry of Youth and Sports, myself and other Ministries, we work in a multilateral approach in order to address the issues. We have a permanent sensitising campaign in the school. May I remind the hon. Member that it is this very Government that has reviewed the Food Act in order to regulate the food sold at school canteens? It is this very Government that has introduced the National Framework for Diabetes, and we shall continue to do our level best. It is a national issue, Mr Deputy Speaker, Sir. Let's hope that the rate of increase in detection of diabetic patients be stabilised and in the long run, it starts to decrease. It's a long shot, but, as a nation, if we were able to beat the population explosion, I am sure we should and we would be able to beat the explosions with regard to diabetic, not in the very near future, but sometime in the future.

Mrs Hanoomanjee: Given the fact that the hon. Minister himself has spoken about limb amputation, can he say how many *podologues* have been recruited? How many are in service and what are the efforts that he is making to secure the services of more *podologues* in the service?

Mr Bundhoo: Mr Deputy Speaker, Sir, the hon. Member knows very well that Dr. Owens has been conducting training and we have recruited other students in order to be trained in *podologie* at Souillac and so as to be posted in other Ministries. The Mauritius Institute of Health is also carrying out special courses with regard to diabetes, *podologues* and dieticians.

Dr. Sorefan: Mr Deputy Speaker, Sir, the hon. Minister has talked about screening school children and the conclusion will be for Type 1 Diabetes. Is the hon. Minister aware that Type 1 Diabetes has now been proved to be genetic? After screening the children and having found Type 1 Diabetes amongst them, will the hon. Minister screen the parents to find out whether they are prone to give birth to other children who are Type 1 Diabetes and to give counselling as such?

Mr Bundhoo: This is already being done, Mr Deputy Speaker, Sir.

Ms Deerpalsing: Mr Deputy Speaker, Sir, can the hon. Minister inform the House what kind of synergy his Ministry is working with the NGOs in that sector? Because, there is a particular NGO that I know of, T1 Diams, which is in the field of diabetes for children and whether the Ministry is working in close synergy with this NGO and other NGOs who are in the prevention sector? Is the hon. Minister aware that this particular NGO that I am talking about is struggling to pay their rent somewhere in some *locale* in a Government-owned office and whether, the Ministry can work in synergy and help these people who are trying to help other people?

Mr Bundhoo: Mr Deputy Speaker, Sir, I am aware of the case. I can assure the hon. Member that not only me, all Ministries have been working with NGOs. As I said earlier, diabetics and diseases related to diabetics is a national issue. With regard to the specific NGO that the hon. Member has mentioned to me, I am aware of where they are located and I have spoken with hon. Anil Bachoo. We are considering and looking at the possibilities of making it more conducive for them and making it less costly for them, but, at the same time, you do have to understand, hon. Member, that we have to give the same treatment to all NGOs and we have to focus and give all support to all NGOs especially with regard to diabetes.

Ms Deerpalsing: Mr Deputy Speaker, Sir, just a follow-up question on that. My question was: what is the Ministry's plan, the strategy that the Ministry has, given that this is such a serious national issue and there are so many NGOs out there who are trying to help each in their isolated areas what is the plan/strategy of the Ministry to work in synergy with all these NGOs to pool all energies together? What is the strategy of the Ministry?

Mr Bundhoo: Mr Deputy Speaker, Sir, I can assure the hon. Member that we have regular meetings with all NGOs, because we are all in the same battle and in the same country.

The Deputy Speaker: Last question, hon. Jhugroo!

Mr Jhugroo: Can I ask the hon. Minister whether there is a system for monitoring of self medication of insulin by patients?

Mr Bundhoo: I did not quite get the question!

Mr Jhugroo: Whether there is a monitoring of the system of self medication of insulin by patients?

Mr Bundhoo: I am sure that there must be, because the insulin is being provided by the patient on prescriptions and I am sure there must be some form of monitoring.

MMA – SLAUGHTER HOUSE - SAFETY & SECURITY MEASURES

(No. B/622) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Agro-Industry and Food Security whether, in regard to the slaughter house in Roche Bois, he will, for the benefit of the House, obtain from the Mauritius Meat Authority, information as to -

- (a) the safety and security measures taken in relation to the employees thereof for the slaughtering of animals, and
- (b) if Occupational Health and Safety Officers carried out visits thereat over the past year, and if so, indicate the frequency and outcome thereof.

Mr Faugoo: Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed that health and safety at the Mauritius Meat Authority is governed by the Occupational Safety and Health Act of 2005.

In compliance with section 6 of the Occupational Safety and Health Act 2005, the MMA has a written statement of its Safety and Health Policy and a manual for the implementation of the arrangements mentioned in its Safety and Health Policy statement.

In addition, the MMA regularly conducts a risk assessment as per sections 10 and 11 of the said Act. The risk assessment was last carried out in January of this year. I am advised that all necessary precautionary safety measures have been implemented by the MMA.

Under section 88 of the Occupational Safety and Health Act 2005 which concerns registration, the MMA is duly registered up to June 2013 following inspections carried out by officers of the Occupational Safety and Health Inspectorate of the Ministry of Labour, Industrial Relations and Employment and by an independent registered Machinery Inspector.

In accordance with section 21 of the Occupational Safety and Health Act, the MMA has a Health and Safety Committee under the chairmanship of the General Manager, which meets every two months to monitor the safety and security measures.

The said Committee comprises representatives of management and employees, the Safety and Health Officer and the Mechanical Engineer with a full time employee of the MMA. Minutes of proceedings of the Committee are sent to the Director of Occupational Safety and Health at the Ministry of Labour, Industrial Relations and Employment as per Section 23 of the Act. The last Safety and Health Committee was held on 28 August 2012.

With regard to part (b) of the question, I am informed that the Safety and Health officer effects visits to the premises of the Authority twice weekly. Inspection is regularly carried out by the Safety and Health Officer on each of the process from receiving live animals in the lairage, slaughtering, processing and embarkation of carcasses to the lorries for distribution.

The slaughter house is also inspected by Occupational Safety and Health Officers of the Ministry of Labour, Industrial Relations and Employment. These officers have to be satisfied that the MMA complies with all the provisions of the Occupational Safety and Health Act 2005 prior to the issue of a Certificate of Registration of the slaughter house.

Mr Ameer Meea: Mr Deputy Speaker, Sir, recently an employee has lost his life during the performance of his duty and which apparently was due to a lack of safety and security measures. Can I ask the hon. Minister whether an inquiry has been made to situate the responsibility of this sad event and also what are the measures taken so as to prevent such things happening again?

Mr Faugoo: Mr Deputy Speaker, Sir, it is quite unfortunate and regretful that an accident occurred in the early morning on 09 September whereby a slaughter man was hit by a bull which was being taken for slaughter. Following the accident, an internal inquiry was

carried out by the MMA, and also an inquiry was carried out by the Ministry of Labour, Industrial Relations and Employment by the Inspectorate Division. I have been made to understand that there is a prosecution. A case has been lodged by the Ministry of Labour against the MMA and is coming *Pro Forma* on 07 March next year. It would be inappropriate for me to give more details and to locate responsibility in this case, Mr Deputy Speaker, Sir.

Mr Ameer Meea: Mr Deputy Speaker, Sir, regarding Occupational Health, can I ask the hon. Minister if he is aware about a problem of disposal of waste concerning the slaughter house situated in Roche Bois which is causing lot of problems and distress to the inhabitants of Roche Bois. This was in the press recently. Is he aware of such a situation, if yes, what action has been taken?

Mr Faugoo: I was made aware of a problem which was reported by the Health Inspector, Mr Deputy Speaker, Sir, and the problem has been sorted out since.

SAUDI ARABIA – EMBASSY & DIRECT FLIGHTS

(No. B/623) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to Saudi Arabia, he will state if consideration will be given for the advisability of –

- (a) setting up an Embassy thereat, and
- (b) establishing direct air flights between Mauritius and Saudi Arabia.

Dr. A. Boolell: Mr Deputy Speaker, Sir, the reply is in the affirmative.

Let me elaborate a little bit on this issue. In our bilateral relations with the Kingdom of Saudi Arabia, we have registered two important developments in the recent months -

First, we have finalised the text of a draft General Agreement on Cooperation between Mauritius and Saudi Arabia. We are proposing to proceed with its signature at the first available occasion of a very high-level visit to either Saudi Arabia or to Mauritius to give the agreement the high political importance it deserves. We are hopeful that this Agreement will pave the way for a comprehensive economic partnership agreement encompassing trade in goods and services, investments and development cooperation, similar to the one we are negotiating with the EU and with India.

Second, following an exchange of correspondence between Mauritius and Saudi Arabia, through our respective diplomatic missions since the beginning of this year, a round of talks on a Bilateral Air Services Agreement with Saudi Arabia was held on 08 and 09 October 2012 in Mauritius. The delegation of the Kingdom of Saudi Arabia was headed by Mr Faleh J. Al-Bilwi, General Manager, Agreements and Authorisation, General Authority of Civil Aviation (GACA) whereas the Mauritian delegation was headed by Mr S. Seeballuck, Secretary to Cabinet and Head of the Civil Service.

Following discussions, a Memorandum of Understanding was signed and a Bilateral Air Services Agreement (BASA) was initialled by the Heads of delegations.

As matters stand, the Saudi authorities are expected to inform Mauritius whether the Government of the Kingdom of Saudi Arabia is agreeable to the initialled text of the Bilateral Air Services Agreement. Thereafter, necessary arrangements will be made for the signature of Agreement, which will, here again, open a new chapter in our bilateral relations.

I must, here, emphasise, that after tough negotiations, the Mauritius side has been able to secure up to seven weekly passenger flights to Jeddah and Riyadh, and Damman and up to 3 weekly flights to Madinah. I think the negotiating team deserves our heartfelt congratulations.

As far as the opening of the Embassy is concerned, as I have stated in my reply given to the hon. Member last year, we are waiting for better harvest. In the meantime we have to be satisfied with the cherry-picking.

Mr Ameer Meea: Mr Deputy Speaker, Sir, the question of the opening of an embassy in Saudi Arabia has been long on the cards. This has been canvassed by several Members in 2007 and 2008, *notamment* by hon. Issack and myself in 2010 and 2011. I must say that I am really disappointed with what the hon. Minister has just said because, to this effect, I shall quote what he said in 2010, that is two years back. I quote-

“In fact, the Deputy Prime Minister will travel to Saudi Arabia and afterwards the Prime Minister will do so and in the light of discussions which are going to take place, then, of course, due consideration will be given.”

(Interruptions)

This was back in 2010. Now, I will quote what the hon. Minister said in 2011. In 2011, to the same question, the hon. Minister stated –

“In this respect a joint working session at senior officials’ level was held in April this year in Riyadh on concluding a general framework agreement on co-operation between Mauritius and Saudi Arabia”.

And this is the best -

“The draft agreement has been finalised ...”

We just heard that the draft agreement is being finalised.

(Interruptions)

“The draft agreement has been finalised and we hope to have it signed in a very near future in the context of a high level visit to either Saudi Arabia or to Mauritius”.

(Interruptions)

Can I ask the hon. Minister why this high level agreement which has taken place since April 2011, that is, one and a half years, has not yet been signed and what is the reason it is taking so long?

Dr A. Boolell: Mr Deputy Speaker, Sir, I don’t know whether I have to repeat myself. At least, we have one thing in common. He likes me a lot; otherwise, he will not have quoted me so extensively. But let me remind him that had he listened properly, he should have understood fully what I have said to the House. Unfortunately, he has failed to pay heed and I will remind him again. There is a general framework agreement that had been signed. We are going to leverage on this to conclude eventually a comprehensive economic partnership agreement. Having said so, my friend mentioned 2010, I am sure that he should be aware that our Saudi friends have some domestic and regional issues to address. I don’t have to remind him of the Arabs spring nor the concern of our friends in respect of difficult circumstances in Syria.

(Interruptions)

But that has not stopped this Government to move the process. Firstly, we have started negotiations on a Double Taxation Avoidance Treaty.

Second, we have signed a bilateral air services agreement, which means that no passenger will have to pay royalty. Then, of course, we are in the process hopefully of concluding a Comprehensive Economic Partnership Agreement. This is a Government which does not wait.

(Interruptions)

It is active and proactive. I know! I have told my friend what his agenda is, and I could see right through him. Let me repeat it. I have told my friend what his agenda is, and I would have expected him to quote me extensively because we know the kind of campaign that he waged.

(Interruptions)

Mr Ameer Meea: On a point of order!

Dr. A. Boolell: And we will make sure that he is taken to task. Sit down! I am not going to give way. Sit down!

(Interruptions)

The Deputy Speaker: Order, please!

Dr. A. Boolell: Tell him to sit down. I am not going to give way. He should sit down!

(Interruptions)

The Deputy Speaker: Please!

Dr. A. Boolell: You see how the truth hurts, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: Hon. Minister, there is a point of order. Are you ready to give way?

Dr. A. Boolell: No.

(Interruptions)

The Deputy Speaker: He is not giving way.

Dr. A. Boolell: I give way...

(Interruptions)

Mr Ameer Meea: Mr Deputy Speaker, Sir, I have not yet...

Dr. A. Boolell: I give way only to those who are decent, who understand the ethics of Parliament.

(Interruptions)

Mr Ameer Meea: I have not yet stated my point of order. My point of order is...

(Interruptions)

The Deputy Speaker: I will take your point of order at the end of question time.

(Interruptions)

Mr Ameer Meea: Mr Deputy Speaker, Sir,...

The Deputy Speaker: I have already given my ruling. I will take your point of order at the end of question time.

Mr Ameer Meea: Mr Deputy Speaker, Sir, let me remind the hon. Member...

(Interruptions)

You want me to ask the question, and I will ask him. Is the hon. Minister aware that this has been a political promise in April 2010 by the hon. Minister in Plaine Verte in a political meeting?

(Interruptions)

This was a promise by the hon. Prime Minister in April 2010 in Plaine Verte. We have proof of it. Is he aware of such thing?

(Interruptions)

Dr. A. Boolell: Mr Deputy Speaker, Sir, let me remind our friend that when we make promises, we honor our promises. Let me remind him. Hold your horse before you put the saddle...

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

Dr. A. Boolell: It is true that we have made promises, but I have said that circumstances are difficult. We are even waiting for our Saudi friends, Mr Deputy Speaker, Sir, to give a hearing to our ambassador who will be accredited to Riad. We are waiting for the King of Saudi Arabia to do so. He has been out of the country. He was not too well, but we are waiting. On the other hand, in respect of the visit scheduled, there is a standing invitation, but they have to tell us when the visit is going to be scheduled. We are waiting for the authorities from Saudi Arabia to give us a firm reply. Let me remind our friend. I stated earlier that we need the resources also. We are very keen to have diplomatic outreach. We have put Saudi Arabia in the centerfold, and it is a priority of priorities. Again let me remind him, against a backdrop of financial crisis - go and find out - the number of countries which scaled down their activities in their different embassies.

The Deputy Speaker: I will request the hon. Minister to address the Chair, please.

Dr. A. Boolell: Go and find out. I have said against a backdrop...

(Interruptions)

The Deputy Speaker: Hon. Member, please let him give the reply.

Dr. A. Boolell: Yes, against a backdrop of financial crisis, which has led to an economic crisis. We know what is happening in Europe and the impact that it is having on many countries.

(Interruptions)

Many of these countries have scaled down their activities in their respective embassies.

(Interruptions)

For example, let us take the case of UK, which has seen to it that its visa department should be shifted to Pretoria. That's where all applications are going. So, my friend has to wait. Patience is a virtue and, unfortunately, he is rushing in where angels fear to tread, like a fool.

(Interruptions)

The Deputy Speaker: Hon Uteem!

Mr Uteem: Mr Deputy Speaker, Sir, may I ask the hon. Minister to indicate the date on which his Ministry contacted the Royal authorities in Saudi to ask for this high level meeting?

Dr. A. Boolell: I don't have the exact date, but our High Commissioner in Pretoria did interact with the Saudi Arabian in Pretoria, and I had the opportunity to raise the matter with the Saudi officials when I attended the UN General Assembly, but we are waiting for them to give a prompt reply. We cannot preempt. We are waiting for them. We have to be patient. The onus is upon them, and we are waiting for them to give us a prompt reply.

Mr Bérenger: The hon. Minister said that he met officials from Saudi Arabia whilst at the United Nations. Did he mean the Foreign Minister of Saudi Arabia or who?

Dr. A. Boolell: No, I did not meet the Minister of Foreign Affairs of Saudi Arabia. I met a senior official.

(Interruptions)

Do you want me to give the name here? I can't drop the name, but we did meet a senior official.

(Interruptions)

Mr Bérenger: Can the hon. Minister provide the name? He doesn't have it in mind. Can he provide the name?

Dr. A. Boolell: We have no problem to do that.

Mr Ameer Meea: Mr Deputy Speaker, Sir, the hon. Minister stated that we have to wait for the Saudi authorities to proceed further. Again, let me quote what he said in 2010 -

“Having said so, it is fair to say that the Saudi Government has made a proposal in respect of land to be made available if ever we take the opportunity; we will grasp the opportunity. So, the Saudi authorities have already made land available to Mauritian Government to have a Saudi Embassy in Saudi Arabia”.

This is what the hon. Minister said in 2010. So, Mr Deputy Speaker, Sir, we see that there is a move from the part of the Saudi Government to go forward with such project. So, can I ask the hon. Minister what is the move of the Government concerning the land that has been made available?

Dr. A. Boolell: Let me again remind our friend. This issue was raised by our High Commissioner in Pretoria. There was a proposal; it was not a firm proposal.

(Interruptions)

What is he laughing at?

(Interruptions)

I don't know what he's laughing at.

(Interruptions)

I know they are going downhill.

The Deputy Speaker: I will kindly request the hon. Minister to address the Chair.

Dr. A. Boolell: I will address you.

(Interruptions)

The Deputy Speaker: Silence, please! Hon. Ms Deerpalsing!

Dr. A. Boolell: I know the days on the other side are numbered, Mr Deputy Speaker, Sir. Of course, there are several issues which are going to be taken up...

(Interruptions)

...when we are going to have this high level meeting at the highest political level.

(Interruptions)

The Deputy Speaker: Hon. Soodhun!

(Interruptions)

Order, please! Let the hon. Member...

Mr Soodhun: Mr Deputy Speaker, Sir,...

(Interruptions)

The Deputy Speaker: The hon. Member has every right to ask questions.

(Interruptions)

Order, please!

Mr Soodhun: These people don't know what they are talking about. I will ask the hon. Minister and my good friend to tell the House...

(Interruptions)

The Deputy Speaker: Order, please!

Mr Soodhun: ...whether ...

(Interruptions)

The Deputy Speaker: I want some order in the House. The hon. Member has every right to ask his question, and in all silence. Please go ahead.

Mr Soodhun: Thank you, Mr Deputy Speaker, Sir.

(Interruptions)

Mr Deputy Speaker, Sir, I would like to ask the hon. Minister whether he can confirm that two official missions were fixed in 2010 by the Saudi authorities, and it was agreed between the Saudi authorities and the Government of Mauritius that a high delegation with the Deputy Prime Minister...

(Interruptions)

The Deputy Speaker: Hon. Assirvaden!

Mr Soodhun: With a delegation which was supposed to be headed by the Deputy Prime Minister, twice it was fixed; it was the Minister of Tourism and I who were to form part and this was cancelled by our Prime Minister two times. Can the hon. Minister confirm?

(Interruptions)

The Deputy Speaker: Order, please! Hon. Soodhun has asked his question, he should let the Minister answer now!

Dr. A. Boolell: Mr Deputy Speaker, Sir, the hon. Member was never invited. He solicited an invitation.

(Interruptions)

That is what he did.

The Deputy Speaker: Okay, next question! Hon. Dr. Sorefan!

(Interruptions)

Silence, please! Next question! Hon. Dr. Sorefan, please go ahead with your question! Hon. Soodhun! Silence, please! Hon. Minister, please resume your seat.

Dr. Sorefan: PQ No. B/624, please!

Dr. A. Boolell: On a point of order!

The Deputy Speaker: I'll take the point of order later on.

(Interruptions)

I am sorry. Please, sit down! Hon. Dr. Sorefan, please go ahead with your question.

Dr. Sorefan: Mr Deputy Speaker, Sir, for the second time: PQ No. B/624, please!

NTA - VEHICLES - TOTAL LOSS

(No. B/624) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to damaged vehicles declared as total loss by insurance companies, he will, for the benefit of the House, obtain from the National Transport Authority, information as to if such vehicles, after having been sold and repaired, have been examined by the Vehicle Fitness Centre and issued with fitness certificates, over the past five years, and, if so, indicate the number thereof.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I wish to inform the House that the National Transport Authority (NTA) is informed of vehicles damaged in accidents and which are declared total loss by -

- (i) the Mechanical Division of my Ministry for vehicles owned by public officers and taxi operators who have benefited from customs duty concessions;
- (ii) auctioneers who submit a return on vehicles sold by them at auction and which includes vehicles which are beyond repairs and therefore considered as "scrapped".

In all cases where mechanical engineers have recommended that the vehicle be de-registered or auctioneers have reported that the vehicle should be scrapped, appropriate amendments are made in the vehicle database and the registration book of the vehicle concerned is secured by the National Transport Authority to prevent any resale and repairs for operation.

However, as regards vehicles which have suffered superficial damages and considered as "constructive total loss", that is, for insurance purposes only, contrary to "structural total loss", the NTA is not notified of their involvement in any accident or of the extent of their damage.

These vehicles are sold by insurers to either car brokers or to auctioneers. They are repaired and licensed anew for operation on public roads. There is no provision in law which

compels any insurer to report cases considered as “constructive total loss” to the NTA. As such there may be many vehicles which, although declared as total loss by insurers, have been repaired, examined and issued with a certificate of roadworthiness. Being given that information on these vehicles are not communicated to the National Transport Authority, data on the number of such vehicles are not available.

The number of vehicles which have been treated as “structural total loss” and which have been de-registered during the past five years is as follows -

Year	Number of Vehicles
2008	15
2009	37
2010	34
2011	34
2012 (to date)	13

I wish to inform the House that the process for privatisation has already been initiated.

Dr. Sorefan: Mr Deputy Speaker, Sir, the Minister has mentioned that, regarding those total loss damaged vehicles that should be scrapped, we don't have any laws for the insurance to report to the NTA. May the Minister come with a regulation to forbid such operations so as to minimise severe or fatal accidents, especially when the fitness centres will be privatised very soon?

Mr Bachoo: Mr Deputy Speaker, in fact, many meetings have already been held with the stakeholders to find a solution to this problem and we are amending the Road Traffic Act in order to include this part, that is, it will be mandatory for the insurers to inform NTA of total loss cases as well as to establish information links with the Police in respect of all accidents where vehicles have suffered serious or structural damages.

MOTORWAY M1 - ADDITIONAL LANE

(No. B/625) **Dr. M. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction of an additional lane along M1

from Ruisseau Creole to the *Place d'Armes*, he will, for the benefit of the House, obtain from the Road Development Authority, information as to –

- (a) the reasons why during the preliminary examination of the bids, the Authority advised for the non-evaluation and disqualification of two bidders, and
- (b) if there has been a review by the Independent Review Panel and, if so, the outcome thereof.

Mr Bachoo: Mr Deputy Speaker, Sir, the bidding document for the construction of an additional lane along motorway M1 in North bound Direction from *Ruisseau Creole* to *Place D'Armes* contains a specific clause in the Instructions to Bidders to the effect that if a bidder participates in more than one bid, all the bids concerned are to be disqualified. I am informed that one of the bidders, namely Rehm Grinaker Construction Co. Ltd. had listed General Construction Co. Ltd, which is also a bidder for the same project, as a sub-contractor for asphalt work. In view of the specific clause in the Instructions to Bidders, the RDA Procurement Committee advised the Bid Evaluation Committee appointed for the evaluation of the bids to disqualify the two bidders.

One of the disqualified bidders, viz. General Construction Co. Ltd appealed to the Independent Review Panel (IRP) on the ground that they had not allowed Rehm Grinaker Construction Co. Ltd. to include their name as a sub-contractor. The IRP considers that the BEC should have requested for clarifications from the bidders on this issue and has requested for a re-evaluation of the bids.

Dr. Sorefan: As there is a perception that there has been a split of tendering, would the hon. Minister inform the House why this tender exercise from *Ruisseau Creole* to the *Place d'Armes* was not included in the grade separated junction as we all know we have spent Rs124 m. and about Rs94 m. as variation? Has the Ministry a proper plan island wise for future developments so as not to come with split tenders?

Mr Bachoo: Mr Deputy Speaker, Sir, the grade separated junction was a turnkey project. This project is completely different from the turnkey project, from the grade separated junction. It is not only this place; there are many places where we are putting up a third lane. It all depends on the amount of money made available by the Ministry of Finance. In fact, all the procedures are properly followed.

Mr Bérenger: Surely, there must be some planning in the Ministry concerned. There is a turnkey project; you must have planners that know that, as a result of that, there will be a bottleneck just there under your nose. You go ahead with the turnkey project and then you start the planning for the new project to break the bottleneck. We are in the same situation at Caudan as we were before and I don't know for how many months before, the new project gets going.

Mr Bachoo: Mr Deputy Speaker, Sir, I sincerely tend to disagree with the hon. Leader of the Opposition. In fact, a lot has already been done and I know the amount of relief people get – those who come towards Port Louis in the morning and evening get. There has been a lot of improvement. This third lane had been an addition, which we have taken the decision at a later stage. As I have just mentioned, it depends on the amount of money which is made available to the RDA.

Mr Bhagwan: This is not the first time that the RDA's decision has been ruled out by the Independent Review Panel. Can the Minister inform the House whether he is satisfied that there is no manipulation of contracts at the level of the analysis of tenders, at the level of RDA? Is a re-assessment of the different committees of the Evaluation Committee of the RDA being effected in the public interest? From what we see, on many occasions the recommendations of the RDA have been overruled by the Independent Review Panel.

Mr Bachoo: It is only on two occasions. I would like to be clear. On one occasion it was on the consultancy services for the Trianon to Verdun, and this is the second one. This one is very clear. I would like to submit a copy of the Procurement Policy Office wherein is clearly spelt out the instructions to bidders. If one contractor is trying to do some subcontracting work for another contractor, both have to be disqualified. It is clearly stated and the Bidding Evaluation Committee has taken note of that. If the IRP has decided otherwise, I am not to be held responsible for this, but I can make a solemn affirmation to the House that, in fact, the RDA is doing its work.

Dr. Sorefan: The hon. Vice-Prime Minister just mentioned the sub-contracting. Is the hon. Minister aware that the General Construction mainly, with the contestants to the IRP, said that he has never given any written instruction to be the sub-contractor for whatever company?

Mr Bachoo: Yes, in fact, they have said so. Mr Deputy Speaker, Sir, according to the instructions to contractors also, it is not mentioned that we should have taken a written undertaking from them before opening the bids, this is not mentioned. Henceforth, we are

including one clause that they should give us a written undertaking that they have not come into agreement with anybody, but that was not mentioned in the bidding document and even instructions to the contractor do not mention it. But now, we are putting it in order to assure. Because after opening of the bids, if you are going to ask those contractors whether they have given any undertaking, they may not speak the truth. Once they have already known the price of all the tenderers they will not do, because they will do the maximum to get the contract. So, that is the main problem. I am very sorry to say that it is not my duty to pass comments on IRP. IRP wanted that this should have been done after the opening of the bids, which is not possible.

Mr Jugnauth: Will the hon. Vice-Prime Minister agree that the funds that have been earmarked for both projects, in fact, come from the same budget? Would it not have made it a financial economy - two funds of Government - instead of having two separate contracts to have one contract and, therefore, mobilise less resources with regard to these two projects?

Mr Bachoo: Mr Deputy Speaker, Sir, I am sorry; funds were not available for these projects. In fact, I can assure there is intense competition and there is a trend that the cost is going down, because there are new players in the field now.

Mr Lesjongard: Mr Deputy Speaker, Sir, with regard to the reply given by the hon. Minister, in this case, as pointed out earlier, we have two projects next to each other. What is the rationale behind in having two different contractors on the two projects? We remember that on the first project, we had a cost overrun of almost Rs98 m. Wouldn't we have saved money in having one single tender being allocated? I am sure that we would have brought down the cost.

Mr Bachoo: Mr Deputy Speaker, Sir, the cost overrun was clearly spelt out and properly explained what was the difficulty we had undergone, being given there was a sewer line and, secondly, it was a turnkey project. From experience, all of us know that in any field/department in this country, wherever turnkey project is undertaken, there is a tendency of the cost to escalate.

(Interruptions)

But I know. From experience I have seen, but here, I am sure, being given that it is a contract which is meant for the third lane, I do not think the price will go above, it will be within limits.

Dr. Sorefan: Mr Deputy Speaker, Sir, can the hon. Minister inform the House what four documents which were not submitted by Sinohydro Corporation and, if one of them is a major supporting document which was considered as a minor deviation by the Evaluation Committee,

for example, evidence of adequacy of working capital to the tune of Rs20 m. which was clearly spelt out in the bidding document in the provision of the directives from the procurement policy, and also where matters stand regarding re-evaluation of the bids?

Mr Bachoo: Mr Deputy Speaker, Sir, according to instructions issued by Public Procurement Office (PPO), the employer in that case, RDA, has the right to request a submission of that document, even after the opening of the bids. This is clearly spelt in clause 6(2), provided that it is given within a prescribed delay. This was the case and the evidence was submitted within time, but the IRP ruled that the RDA has not taken it into consideration. Now, Directive No. 3 in which it is stated that failure to submit major supporting documents constitutes an example of non conformance which is justifiable ground for rejection of the bid. But the Procurement Committee has maintained that the procedures followed were correct if the bidder had not submitted their evidence within the prescribed delay pursuant to clause 6(2), then the provisions for Directives No. 3 would have applied. I do not want to name the company, but the company had already submitted it within the prescribed delay. Therefore, I won't be able to condemn RDA for that; they have done the works strictly according to the law. I am willing to lay both copies; one, instructions to bidders and, secondly, the Procurement Policy Directives No. 3 on the Table of the House.

Dr. Sorefan: My question was: where matters stand about the re-evaluation of the bids?

Mr Bachoo: The contract has been awarded to General Construction Company Ltd.

The Deputy Speaker: Next question, hon. Bhagwan!

CEB – OUTSTANDING LOANS

(No. B/626) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain therefrom, information as to the -

- (a) total amount of outstanding loans due to Government;
- (b) amount of loan taken with foreign agencies as at to date;
- (c) amount of overdraft held with banks as at to date
- (d) if the Board has approved the purchase of a building in Ebène, and if so, indicate the estimated cost thereof, and

(e) amount approved by the Board for the celebration of the 50th anniversary thereof.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Central Electricity Board as follows –

- (a) as at 30 September 2012, the total outstanding loans due to Government, amounted to around Rs3.565 billion;
- (b) the outstanding loans contracted from foreign agencies, amounted to around Rs1.695 billion;
- (c) the total overdraft of the CEB, amounted to around Rs289 m.;
- (d) the Board approved the purchase of the National Transport Corporation building at Ebène, for the sum of Rs120 m. in September 2012, and
- (e) for its 50th anniversary, in 2002, no special budget had been approved by the Board. The event was celebrated at the level of the employees by a gathering organised by the Employees Welfare Fund.

Mr Bhagwan: Mr Deputy Speaker, Sir, concerning the outstanding debt of the CEB, can the Deputy Prime Minister inform the House whether any assessment has been made? What would be the debt of the CEB in relation to the extension of St. Louis power station? What would be the total debt of the CEB, once the new St. Louis power station is being commissioned?

The Deputy Prime Minister: I have no information on this, but I will find out.

Mr Bérenger: Can I ask the hon. Deputy Prime Minister if he finds it healthy when we know what amount of interests we pay on overdraft? The CEB has Rs300 m. of overdraft with the banks.

The Deputy Prime Minister: I am informed this has been the practice all along, but it is being controlled, Mr Deputy Speaker, Sir.

Dr. Sorefan: Mr Deputy Speaker, Sir, regarding the purchase of the building at Ebène, may we know whether CEB has paid cash to the NTC and if the Minister is aware of the criticism made by hon. Patrick Assirvaden regarding the acquisition of this building?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, a cheque was paid to NTC and it is funded from a loan. Secondly, for many years now, the CEB in Curepipe has been trying to find a suitable building to enlarge its activities. In the recent past, even the question of acquiring the MBC building was considered. This is considered to be an excellent acquisition for the CEB.

Mr Bhagwan: For the celebration of CEB, can the Deputy Prime Minister inform the House if anything was planned for the *60ème anniversaire* of the CEB? Who presided over the meeting for the celebration of the 60th anniversary of the CEB, whether it was the Chairperson and whether he was cut to size, same as the cake which was planned and ordered by him?

The Deputy Prime Minister: Now that the question has been set, the answer is: it is still under consideration. Nothing has been decided, no amount has been approved, no activities have been approved, so far.

Mr Lesjongard: Mr Deputy Speaker, Sir, with regard to the massive investment that the CEB has made during the past years, can the hon. Deputy Prime Minister confirm whether this was in the Master Plan of CEB or Government, which was published in 2007 and later on modified in 2009?

The Deputy Prime Minister: The long-term energy strategy does make provision for the expansion as carried out.

Mr Bhagwan: Can the Deputy Prime Minister inform the House whether, in the recent past, at the level of CEB, discussion has started concerning the future increase in the tariff of electricity? May we know also in what range will there be any forthcoming increase?

The Deputy Prime Minister: The short answer is “no”, there has not been any recent discussion.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, the Deputy Prime Minister mentioned a Master Plan that has been worked out by the CEB and also that there was a need for additional space since a long time. Why is it that the CEB has not considered leasing the land at Ebène since the very beginning and building its own building and now have to borrow money over our draft in order to finance a new construction?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, let me make a point clearly. This building, I am sure, even with all the criticisms being made, is going to be a useful acquisition.

Mr Jhugroo: Mr Deputy Speaker, Sir, we are going through a financial crisis in this country, CEB has got a debt of Rs300 m. and it has spent Rs120 m. to buy this building. How does the hon. Deputy Prime Minister explain this?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, firstly, there is a need for additional space. Secondly, we are going to save on rent that is being paid in Curepipe to other buildings.

Mr Jugnauth: Mr Deputy Speaker, Sir, the hon. Deputy Prime Minister has said that he is looking into the funds that have been earmarked for the supposed celebration of the 60th anniversary of CEB. May we know what CEB has proposed to spend with regard to that ?

The Deputy Prime Minister: There has been an initial proposal which has not been discussed.

(Interruptions)

Mr Bhagwan: Mr Deputy Speaker, Sir, now that we have been informed that the Board of CEB has purchased the building at Ebène, will the Deputy Prime Minister make sure that the Chairperson of the CEB will not make use of that building as a political office with all his bouncers?

The Deputy Prime Minister: The answer is “yes”.

Mr Uteem: Mr Deputy Speaker, Sir, with respect to the acquisition of the building in Ebène, may I know from the hon. Deputy Prime Minister whether before they bought this building, they sent out a tender to find out whether there are alternative spaces at cheaper prices which could have been acquired by CEB?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I reiterate that this is the best acquisition that could be made under the circumstances. Please, believe me, we have gone into it, there is a ground floor plus two floors plus, possibility for another four floors and parking space. Everything is there.

Mr Bérenger: Mr Deputy Speaker, Sir, can we know from the hon. Deputy Prime Minister what premises the CEB is renting in Curepipe - he has just stated that - and the monthly value of the rent?

The Deputy Prime Minister: It is about Rs500,000 a year. There are two buildings, I will provide the addresses.

Mr Jhugroo: Can we know from the Deputy Prime Minister whether for these two buildings which are being rented by CEB there has been any tender exercise in the past and, if so, can we know when the last tender for renting of the office was called and who were the bidders?

(Interruptions)

My second point is that the Deputy Prime Minister, in his reply, said that they are looking for space. Can I know how many officers have been recruited at the CEB during the past years and when these posts have been advertised?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, it is not a question of officers; it is a question of space to work. And we are transferring our main office in Ebène. This will be a functional one; it will serve its modern purpose and will be used rightly.

Mr Lesjongard: Mr Deputy Speaker, Sir, may I ask the Deputy Prime Minister which departments of the CEB will be accommodated in that newly bought building?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, it will be the Corporate Office Headquarters at Ebène with IT, Finance, Human Resource, Corporate Planning and Corporate Administration.

TERRE ROUGE HEALTH CENTRE - MEDICAL REPORTS

(No. B/627) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Health and Quality of Life whether, in regard to the Confidential Medical Reports having been seen in the street in front of the Terre Rouge Health Centre in June 2012, he will state if an inquiry has been carried out thereinto and, if so, indicate the outcome thereof.

Mr Bundhoo: Mr Deputy Speaker, Sir, I am informed that an enquiry carried out in this matter has revealed that -

- (a) the building which housed the ex-Terre Rouge Community Health Centre was being used as a storage facility;
- (b) only old and inactive records and unserviceable store items were stored there pending their disposal, and
- (c) the main door of the building has been forced upon and documents were found scattered.

I am also informed that the following actions were taken immediately –

- (i) the main entrance gate was welded and provided with lock and key;
- (ii) the broken metal doors were repaired;
- (iii) the fencing surrounding the building was repaired;
- (iv) all windows were welded and secured;

- (v) a documented list of records and unserviceable store items were prepared and old records have been kept secured in one room under lock and key, and
- (vi) procedures have been initiated for the disposal of the old and inactive records.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister whether there is a protocol concerning the period after which confidential medical files can be destroyed?

Mr Bundhoo: It is normally a period time of six years and after that we have to secure – I think the National Archives authority, if I am not mistaken, do that. But then, the implementation, after the agreement, rests within the Ministry of Health and Quality of Life.

Mrs Ribot: Mr Deputy Speaker, Sir, I would also like to know from the hon. Minister since there seems to be a lack of space to stock medical files, is the hon. Minister planning to have the department of medical records computerized?

Mr Bundhoo: In fact, Mr Deputy Speaker, Sir, I must thank the hon. Member for this question. I think three weeks ago we have already publicised the invitation of bids for the first e-health hospital with regard to record and everything for the Jawaharlal Nehru Hospital and associated services within this regional hospital.

TOURISM (SEXUAL) - SURVEY

(No. B/628) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Tourism and Leisure whether, in regard to sexual tourism, he will -

- (a) state if a survey has been carried out to assess the extent thereof, if any, and
- (b) indicate the measures taken by his Ministry in relation thereto.

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, our policy is to promote Mauritius as an up market quality destination, where the family segment predominates and where sexual tourism has no place.

Also, I am informed that Mauritius is not perceived to be in the league of those countries which have earned the reputation of being the preferred destinations for sex tourism.

Here, it is pertinent to point out that according to the report on “Trafficking in Persons” published by the US State Department in June 2012, Mauritius is the only African country to achieve the same rating as the Nordic and European countries in the fight against prostitution.

Mauritius has, since 2009, achieved the highest rating in Africa, Tier 1, to the same level as countries such as Germany, Australia, Denmark, Canada, the United States, France and Great Britain.

Mr Deputy Speaker, Sir, with regard to parts (a) and (b) of the Question, I am informed that except for the studies commissioned by the competent authorities with regard to the Commercial Sexual Exploitation of Children, no specific survey on sexual tourism has been carried out. However, a number of preventive as well as repressive measures have been taken by parties concerned to deter such practices. As far as my Ministry is concerned, the following measures have, *inter alia*, been implemented –

- (i) production and wide distribution of a code of ethics on tourism to encourage the tourism industry to engage in ethical practices and to adopt professional codes of conduct and other self-regulatory measures, and
- (ii) publication of brochures to sensitise stakeholders of the industry and tourists of our repudiation of the Commercial Sexual Exploitation of Children.

Moreover, my Ministry is collaborating fully with all parties engaged in the fight against commercial sex, the more so, Mauritius being a full-fledged member of the UN World Tourism Organisation subscribes to the World Tourism Network on Child Protection.

Mr Deputy Speaker, Sir, the House will appreciate that the UN Special *Rapporteur* on the “sale of children, child prostitution and child pornography” has, in her report published in August 2011, highlighted that no case of child sex tourism has officially been reported in Mauritius.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to ask the hon. Minister whether the Ministry is planning - as the US State Department Report of June 2008 recommended - to recommend the issuing of warnings to foreign tourists on arrival at the airport?

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, I will take the matter with the relevant authority.

Mrs Ribot: I would also like to know, Mr Deputy Speaker, Sir, if the hon. Minister intends to see with the Attorney General that our legislation makes provision for more severe sanctions for taxi drivers since they have been highlighted to be in the network as well as for the *proxénètes* and for the tourists engaged in sexual intercourse with minors.

Mr Yeung Sik Yuen: There is a law that is being prepared right now, Mr Deputy Speaker, Sir.

LAND REFORM PROGRAMME - LAVIMS PROJECT

(No. B/629) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Housing and Lands whether, in regard to the LAVIMS project, he will state -

- (a) the number of properties to which -
 - (i) a pin code has been ascribed;
 - (ii) a value has been allotted by the Valuation Office;
- (b) if State Lands and buildings thereon are included therein, and
- (c) when it will be mandatory for the Registrar General to authorise the transfer of only properties to which a pin code has been ascribed.

Dr. Kasenally: Mr Deputy Speaker, Sir, the LAVIMS project is a major land reform programme comprising four components, namely a digital cadastre, a valuation roll, a parcel based Deed Registration System and an integrated Information Management System. The maintenance of the cadastre is central to the sustainability of the LAVIMS project. Consequently, the Cadastral Survey Act was enacted in July 2011 to generally provide for the maintenance and updating of the digital cadastral database and the conduct of land surveying and related matters.

The Cadastral Survey Act 2011 provides, *inter alia*, for the allocation of a Parcel Identification Number (PIN) to any plot of land or unit being the subject of a sale or lease prior to the transaction taking place. The Act is being proclaimed in phases in order to provide for the transition period. Section 7(3) of the Act has been proclaimed on 21 December 2011 to provide for the assignment of a PIN upon receipt of an application from an interested person. Regulations are being finalised at the level of the State Law Office for the PIN is expected to become mandatory by the end of 2012.

The Cadastral Survey (Application for PIN and Fees) Regulations 2012 is in operation since 05 March 2012 and establishes the procedures to be followed for the assignment of a PIN to any plot of land or unit. A PIN is issued by my Ministry upon receipt of an application on the prescribed form and the payment of the appropriate fee.

As at date, my Ministry has received 667 applications for PINs and some of these applications may concern several plots of land or units. To date, 1,522 Parcel Identification Numbers have been issued. I am informed, Mr Speaker, Sir, that around 50 to 60 land transactions are being carried out daily. Therefore, the same number of applications for PINs is expected to be received daily at the level of my Ministry upon the proclamation of the appropriate section of the Cadastral Survey Act for PINs to become mandatory prior to any land transaction.

In regard to the number of properties to which a value has been allotted, I wish to refer the hon. Member to my reply to PQ No. B/596 of 23 October 2012, whereby I indicated that the valuation component is being monitored by the Ministry of Finance and Economic Development and is expected to be completed by December 2012. As at date, Mr Deputy Speaker, Sir, 90% of this component has been completed.

In regard to part (b) of the question, I am informed, Mr Deputy Speaker, Sir, that LAVIMS main cadastral dataset consists of a land parcel layer in the form of a digital index map derived from aerial photography with about 427,000 uniquely identified land parcels. The dataset was produced by the compilation of existing data from survey plans and extraction of data from scanned title deeds of land properties dated as from 1978. State lands data and buildings thereon have been generally included in the digital index map. Buildings have been included in the system as roof outlines and are based on the aerial photography. I am also informed that the contractor opted to build up the cadastre from existing data rather than from site surveys which would have been more expensive and time consuming. Furthermore, my Ministry is going one step forward by setting up a digital State land register which will provide detailed information about State lands. In this respect, consultations with stakeholders will be held shortly.

With regard to part (c) of the question, it will become mandatory for the Registrar-General to authorise the transfer of properties to which a Parcel Identification Number (PIN) has been ascribed upon the proclamation of the relevant sections of the Cadastral Survey Act 2011 and amendment made to the Notaries Act, which is by end of this year.

The Deputy Speaker: The Table has been advised that Parliamentary Question Nos. B/639, B/640, B/646, B/647, B/648 and B/649 have been withdrawn.

MINISTRY OF YOUTH & SPORTS/ OLYMPIC COMMITTEES - MEETING

(No. B/630) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the meeting held on 19 September 2012 between his Ministry, the National Olympic Committee and Mr J. P. of the International Olympic Committee, he will state the outcome thereof.

Mr Ritoo: Mr Deputy Speaker, Sir, I have to inform the House that, at the request of Mr J. P. of the International Olympic Committee, I had a meeting with him on 19 September 2012 in the presence of Mr L. Palenfo, the President of the Association of National Olympic Committees of Africa. The President and General Secretary of the Mauritius Olympic Committee were also present at the meeting. I have to point out that Mr J. P. in his capacity as Head of Institutional Relations and Governance at the International Olympic Committee was in fact attending the 29th Seminar of General Secretaries of the Association of National Olympic Committees of Africa which was held in Mauritius.

The main issues discussed during the meeting were, among others, relationship between the Olympic movement in Mauritius and my Ministry as well as the amendments to be brought to the Sports Act.

The House may wish to know that there had been very fruitful discussions at the meeting. It was made clear to Mr J. P. that my Ministry has always worked in close collaboration with all stakeholders, including the Olympic movement in Mauritius in the sole interest of athletes.

As regards the Sports Act, the International Olympic Committee has agreed to submit its observations, if any, on the compatibility of the Sports Act with the Olympic Charter. The input of Mr J. P. is still awaited.

At this stage Mr Speaker took the Chair

Mr Quirin : M. le président, nous avons un courrier en date du 25 avril 2012 adressé au Comité Olympique Mauricien et au Secrétaire Permanent du ministère de la Jeunesse et des Sports. Monsieur Jérôme Poivey avait souhaité que le *Sports Act* soit amendé avant les Jeux Olympiques de Londres, chose qui n'a pas été faite. De ce fait, M. le président, l'honorable ministre peut-il nous dire s'il a pris des engagements formels avec Monsieur Poivey lors de cette rencontre par rapport aux amendements qui doivent être apportés au *Sports Act* et si une date a déjà été identifiée pour présenter ces amendements ici même à l'Assemblée Nationale?

Mr Ritoo: M. le président, je dois dire que l'observation qui a été faite par Monsieur J. P. concerne surtout la composition des comités directeurs, le mode d'élection et la durée, et le nombre de mandats des présidents. Mais, encore une fois, sans entrer dans les détails, je dois dire que les échanges ont été très intéressants et positifs et nous avons ouvert une ligne de communication avec le bureau de monsieur J. P., mais nous attendons toujours les observations avant de présenter ...

(Interruptions)

Mais il a pris connaissance du *Sports Act* à travers le *website* du ministère.

(Interruptions)

***PROJET DE REINSERTION PROFESSIONNELLE
DES ATHLETES DE HAUT NIVEAU***

(No. B/631) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the *Projet de Reinsertion Professionnelle des Athlètes de Haut Niveau*, indicated as a major service provided by his Ministry in the 2012 budget, he will state where matters stand.

(Withdrawn)

MITD - MRS Y. M. – INSTRUCTOR IN INFORMATION TECHNOLOGY

(No. B/632) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Education and Human Resources whether, in regard to the Mauritius Institute of Training and Development, he will, for the benefit of the House, obtain therefrom, information as to if one Mrs Y. M. was employed thereat as Instructor in Information Technology, from June 2010 to in or about May 2012, and if so, indicate the salary drawn during her period of employment.

Dr. Bunwaree: Mr Speaker, Sir, I am informed by the MITD that one Mrs Y. M. has been employed by the MITD as follows -

- (i) from 01 July 2010 to 31 March 2011 as Instructor B (Information Technology) on a month to month basis with a salary of Rs13,200;
- (ii) from 01 April 2011 to 11 June 2012 as Supply Instructor B (Information Technology) on a contract basis, with a salary of Rs13,200, and

- (iii) from January 2012 to 31 March 2012, she was assigned duties of Head of Section (Information Technology) at the Knowledge Based Training Centre (KBTC) with a monthly salary of Rs13,200 plus Rs600 as Head of Section Allowance.

Upon completion of one year service, she was paid a salary of Rs13,500 and Rs700 as Head of Section Allowance as from April 2012.

Mr Speaker, Sir, I wish to draw the attention of the House that allegations were made against Mrs Y. M. at different levels, particularly with regard to her qualifications. Moreover, one trade union had informed that the lady had been previously convicted and fined for giving false information. ICAC and Police had initiated an enquiry into the matter. The attention of then Director of the MITD had also been drawn by my Ministry, and he was requested to initiate proper action.

I was subsequently informed that the lady had resigned from MITD with effect from 11 June 2012.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether he is aware that, before joining MITD, that lady was employed by the Ministry of Youth and Sports and that Ministry found out that she had fake certificates. The case was referred to the PSC. The PSC found her guilty. She was prosecuted and fined and, in spite of that, she was re-employed by the MITD.

Dr. Bunwaree: I am not aware if she was employed by the Ministry of Youth and Sports, but I have read the allegations. All these were treated as allegations, and we initiated enquiries. In fact, the matter has been referred to the Police.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, I should say that they were not allegations merely because these have been proved. The Commission had found guilty and she had been fined. Can I know why no action was taken by the Director of MITD, in spite of the fact that evidence was produced to the effect that she had fake certificates and even a copy of the court judgment was produced to the Director of MITD?

Dr. Bunwaree: Yes, this is why I have said in my reply that the attention of the then Director of the MITD had also been drawn by my Ministry, and he was requested to initiate proper action. I was informed subsequently that the lady had resigned, but the matter has been referred to the Police.

Mrs Hanoomanjee: Can I ask the hon. Minister whether he is aware that the Director was informed since January and he did not take any action till June? Why is it that he did not take any action?

Dr. Bunwaree: I have said, and I repeat that an enquiry had been carried on and, in fact, the enquiry is still on, and the matter has been referred to the Police. Concerning the then Director, the procedures are ongoing by the new Director of the MITD.

Mrs Hanoomanjee: Now that she has worked for two years without qualification and she has received promotion as Head of IT Unit, what is being done to recoup the salary that has been paid to her, and what is being done to repair the damages that have been caused to the trainees? They have been trained by a person who had fake certificates.

Dr. Bunwaree: This is a very complicated matter. In fact, I am not satisfied at all with the way things have been going out there. My Ministry has on various occasions intervened, and I have said what has happened. With regard to the question that has been raised by the hon. Member, in fact, the Managing Committee is working on that, and accordingly action will be taken.

Mr Bérenger: Mr Deputy Speaker, Sir, this lady from what we hear was employed at the Ministry of Youth and Sports with fake certificates and then at MITD, and clearly the previous Director did not do the necessary when he was informed by the Ministry. Now the hon. Minister tells us that he is not satisfied at all. But, apparently, that former Director is now an Advisor at the Ministry of Finance. Has the hon. Minister informed his colleague that the gentleman is before ICAC and that he is not satisfied at all with what has happened?

Dr. Bunwaree: There is an enquiry going on. In fact, Professor Torul is also leading an enquiry in all these matters. So, I have to wait. The report will come to me *incessamment*, and following this we will see what action has to be taken.

Mr Jhugroo: Can I know from the hon. Minister for what reason this case has not been referred to the Police?

Dr. Bunwaree: It has already been referred to the Police, and action has been taken.

LOCAL GOVERNMENT ACT 2011 – POLITICS

- WOMEN EMPOWERMENT

(No. B/633) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in

regard to women, she will state the actions that have been taken by her Ministry for the empowerment thereof in politics, since the coming into operation of the Local Government Act 2011.

(Withdrawn)

CT POWER PROJECT - EIA CERTIFICATE & PETITIONS

(No. B/634) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Environment and Sustainable Development whether, in regard to the CT Power Project, he will state if –

- (a) the Environment Impact Assessment Certificate has already been issued, indicating the conditions attached thereto, and
- (b) his Ministry has received petitions from the inhabitants of Albion and of the surroundings thereof objecting to the implementation thereof and if so, indicate the measures taken, if any.

Mr Virahsawmy: Mr Speaker, Sir, as at date, no Environment Impact Assessment (EIA) licence has been issued for the CT Power Project.

Concerning part (b) of the question, I wish to inform the House that a petition has been received at the Ministry on 29 October 2012, that is, yesterday, from *plateforme citoyenne* objecting to the issuance of the EIA licence.

As regards the measures to be taken to address the objections raised by the inhabitants, I want to reassure the House that the safety and security of the inhabitants of Albion and surrounding regions is a top priority and is high on the government's agenda. In this connection, any decision in this matter will need to take into consideration all the implications surrounding this issue, namely the petition from the inhabitants, the ruling of the tribunal and the Supreme Court cases.

Mr Bérenger: May I ask the hon. Minister when this project was agreed upon by CEB and CT Power? Part of the project was a jetty, so that there would be no transport pollution and problems. Then, this was withdrawn I take it with the green light of CEB. Recently, I read a statement from the hon. Minister that one of the conditions that will be put will be the construction of a jetty. Can the hon. Minister clarify the situation?

Mr Virahsawmy: In fact, when it was question of having a 3 x 55 megawatt plant, there was the question of jetty. But then, when the promoter decided to downsize the project to 2 x 55, it was agreed with the CEB that there won't be any need for a jetty.

(Interruptions)

I am not responsible. I am telling Members what happened. I never said that in the conditions there would be a jetty. I said that we are studying the possibility of whether there should be a jetty.

Mr Bhagwan: The hon. Minister has just informed the House that the EIA certificate has not been issued. Can the hon. Minister inform the House whether his Ministry, the Director of Environment and his team is working with regard to the 11 conditions made by the environment tribunal, and whether the Director of Environment is doing further studies in order to consolidate the conditions laid out by the tribunal, and also all the questions raised by the inhabitants in their petition, which they have addressed publicly.

Mr Virahsawmy: In fact, the tribunal awarded a set of 11 conditions, but at the same time they stated that the 11 conditions and other conditions to be worked out by the Department of Environment in consultation with all agencies and authorities forming part of the EIA Committee. This is what the Committee has been working out, taking into consideration the 11 conditions, but there are other additional conditions which are being worked out by the Committee and the authorities concerned.

Mr Bhagwan: Mr Speaker, Sir, the Tribunal has ruled that the transportation of coal - I say what is under the recommendation of the Tribunal - should be carried out only during off peak hours from Port Louis. Does this condition laid out by the Tribunal warrant a new traffic impact assessment, whether his officers have discussed with the Ministry of Public Infrastructure and there are meeting which are being held to, at least, consider this directive, if I can say, of the environment Tribunal?

Mr Virahsawmy: Mr Speaker, Sir, in fact we are considering this condition as very important. Traffic condition is very important and we are working out with the authorities concerned to look at this traffic study.

Mr Bhagwan: The inhabitants of Albion and the adjoining regions of Pointe aux Sables, Petite Rivière and all the regions surrounding this proposed coal power station have publicly expressed their concerns about the impact on the environment, particularly on air quality, etc.

Can the hon. Minister inform the House whether he has taken note of a recent petition which I think he received yesterday or today and whether he did consider their proposals in order to dispel the doubts of those inhabitants? May we know whether the hon. Minister is contemplating, in the days to come, to meet all the people concerned in the interest of the inhabitants?

Mr Virahsawmy: Mr Speaker, Sir, we shall meet all those concerned at the appropriate time, but I wish to inform the House that today there are new technologies available in coal power plant. For example, there is the use of fabric filters. These are filters which filter the smoke coming out from the chimney; they are much more efficient filters. The promoter has been also advised to use pulverised coal, which is like a powdered coal which is blasted into the boiler and which has better efficiency, 20% more efficiency which means that there will be 20% less smoke coming out from the chimney. There is also what is called the electro static precipitator. This is used to capture part of the fly ash which goes out. All these new techniques exist nowadays and we will have to discuss with the promoter and then we will discuss with the inhabitants to inform them exactly of the situation. There is much less risk of pollution which will happen, as compared to other coal power plant operating in the island.

Mr Jugnauth: Mr Speaker, Sir, is the Government considering or contemplating the construction of a jetty itself or through any other authority or body?

Mr Virahsawmy: Negotiations are on now towards deciding who will construct, what to construct, what type of jetty and whether we are going to use a normal jetty. All these are being studied now by the authorities.

Mr Bérenger: May I ask a supplementary from what we just heard. I suppose it is a coincidence, the Cabinet of Ministers just approved recently of making Mauritius a regional petroleum hub and, surprise, surprise, one of the components is the building of a jetty at the same place there. Is there any link between these two?

Mr Virahsawmy: I cannot reply as Minister of Environment for the proposal to make a petroleum hub. The hon. Leader of the Opposition will have to address it to the appropriate Minister.

Mr Quirin: M. le président, malgré ce que vient d'affirmer le ministre de l'Environnement, je dois faire ressortir que l'Organisation Mondiale de la Santé, de même que le programme des Nations Unies pour l'environnement ont récemment fait ressortir les problèmes causés par les centrales à charbon, principalement la forte émission de Mercure et d'autres

polluants atmosphériques dangereux qui sont libérés lors de la combustion de charbon. Ma question est celle-ci : pourquoi donc une centrale à charbon à 400 mètres des maisons du morcellement Kensington à Pointe aux Sables et 800 mètres des maisons de Belle Vue Albion ? Donc pourquoi une centrale à charbon dans une zone résidentielle ? Je vais aussi déposer certains documents de l'OMS et du programme des Nations Unies pour l'environnement.

Mr Virahsawmy: Vous devriez demander à la personne qui était là en 2003 pourquoi il a approuvé le projet. C'était au sud ; ils ont servi du charbon à St Aubain. Demandez cette question et puis vous aurez la réponse.

Mr Speaker: Last question!

Mr Bhagwan: One last question, Sir. I won't let myself be *influencer par n'importe quel* lobby. Can I ask the hon. Minister whether in the public interest he will see to it now that he has received petitions, now that he is informing us that there would be additional conditions and that his Ministry is considering other issues related, that, at least, no work will start on site unless and until Government is satisfied that all the issues are being cleared, be it the public qualms and also the technical issues?

Mr Virahsawmy: The Prime Minister has already stated publicly that the safety and security of all the school children, all the inhabitants of Albion, Petite Rivière and the surrounding regions is high on the Government agenda and will have to be taken into consideration whenever we give not only a permit for CT power, but for any other permit for development in this country.

AMUSEMENT MACHINES WITH PRIZES - OPERATION

(No. B/635) **Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Amusement Machines with Prizes, he will, for the benefit of the House, obtain from the -

(a) Gaming Regulatory Authority, information as to the -

- (i) names of the licensees thereof, giving a list of the outlets where same are operated and the name of the operator thereof;
- (ii) number thereof in operation;
- (iii) amount of money collected in terms of licence fees as at to date, on a yearly basis,
- (iv) if any decision has been taken regarding the issue of new licences therefor, and

(b) Mauritius Revenue Authority, information as to the amount of taxes collected as at to date.

(Withdrawn)

Mr Speaker: Time is over! The Table has been advised that PQ Nos. B/635 and B/636 have been withdrawn.

JIN FEI PROJECT, RICHE TERRE – LEASE AGREEMENT

(No. B/636) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Housing and Lands whether, in regard to the Jin Fei Project in Riche Terre, he will state if the Lease Agreement signed between the State of Mauritius and Mauritius Jin Fei Economic Trade and Cooperation Zone Co. Ltd., on 14 September 2009 is still in force and, if so, indicate the measures that will be taken, if any, to ensure that the land is being developed in conformity with the purpose and conditions laid down in the lease document.

(Withdrawn)

ANNOUNCEMENT

NATIONAL ASSEMBLY –SMART PHONES, LAPTOPS OR TABLETS - USE

Mr Speaker: Hon. Members, following a request from the hon. Minister of Labour and Industrial Relations last Tuesday and that of the Opposition Whip on 29 October last, as to be guided on the use of tablets in the Chamber, I wish to draw the attention of the hon. Members to the following.

The National Assembly follows what obtains in the United Kingdom House of Commons, which goes as far back as the 13th century where, through the passage of time, many rules have evolved to regulate the practice of the House.

Some of these are written down and are called ‘Standing Orders’, that is, written rules under which Parliament conducts its business. They regulate the way Members behave, Bills are processed and debates organised. In the UK, some Standing Orders are temporary and only last until the end of a session or a Parliament.

In our National Assembly, there are 79 Standing Orders which are permanent and Standing Order 1 provides that -

- (1) In cases of doubt these Orders shall be interpreted in the light of the relevant practice of the Commons House of Parliament of Great Britain and Northern Ireland.
- (2) In any matter for which these Orders do not provide the said practice shall be followed, but no restrictions which the House of Commons has introduced by Standing Order shall be deemed to extend to the National Assembly, hereinafter referred to as the Assembly, or its Members, until the Assembly shall have provided by Standing Order for such restriction.

Other rules are set out in resolutions of the House. However, much of how Parliament does its business is not determined by rules but has become established through continued use over the centuries – that is sometimes known as ‘customs and practice’ - and there are a certain number of traditions as well.

Now, coming to the use of electronic devices, implementing e-Parliament is an initiative started by the Office of the Clerk some 10 years ago with objectives of strengthening the role of Parliament in the promotion of an information society and by promoting the use of ICTs as a means to modernise parliamentary process.

In this digital age, innovations and trends keep emerging, such as tablets and smart phones, since the last two years.

These are opportunities but they present challenges, the more so, in Parliament.

More importantly, the use of digital hand held devices is to be monitored to be in compliance with the Standing Orders and the practice and procedure of the House. The uses thereof are to allow MPs to have access to parliamentary documents and information relevant for them to deliver on their parliamentary duties. The challenges are to determine the parameters within which these devices are to be used, having regard to the decorum of the House.

The House of Commons started first by allowing the current use of electronic devices and other hand held devices to keep up to date with emails provided that it causes no disturbance and since then, the availability of new technology and the use thereof inside and outside Parliament has increased dramatically. Only recently did the UK House of Commons rule that tablets could be used as an *aide mémoire* while addressing the House.

However, many legislatures throughout the world are allowing the use of hand held devices, including tablets and smart phones in the Chamber to access and download

parliamentary documents in an open standard format for reuse and other information necessary and useful to hon. Members but exclusively in pursuit of the business of the House.

The National Assembly is proceeding with the implementation of E-Parliament projects and the use of hand held devices in the Chamber and in the Committee Rooms will be allowed as soon as the technical and logistics arrangements will have been made together with the guidelines for the use thereof.

Any digital hand held device being introduced in the Chamber or in the Committee Room ought to be compatible with the existing digital ICTs infrastructure, such as in our case, the existing Digital Recording System and Cue light System being used for conference management in the House and transcription of the Parliamentary proceedings within the prescribed technological security and technological parameters. Pending such an exercise, the use of smart phones, laptops or tablets cannot be allowed.

I therefore rule that, for the time being, the use of hand held devices is not allowed in the Chamber.

Thank you.

PERSONAL EXPLANATIONS

MAURITIUS FOOTBALL ASSOCIATION - CLUB M - DIRECTOR

Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière): M. le président, avec votre permission, *on a point of personal explanation*, je me réfère à ma question parlementaire numéro B/594 de mardi dernier concernant la nomination par la MFA, *Mauritius Football Association*, d'un directeur pour le Club M.

J'avais effectivement affirmé que le ministère de la jeunesse et des sports avait été bel et bien partie prenante de cette nomination et que j'allais en effet déposer à la séance de ce jour, les documents prouvant mes dires. De ce fait, M. le président, je dépose deux documents relatifs à la nomination de Monsieur Allatta comme directeur du Club M, faites par la MFA, en accord, avec l'aval du ministère de la jeunesse et des sports. Je dépose deux documents.

Mr Speaker: So, the hon. Member has asked for the leave of the House to table the documents. I hope there is no objection from any hon. Member.

(Interruptions)

The documents have already been tabled, but if the hon. Member has something to say, I am prepared to listen to her.

Ms Deerpalsing: Thank you, Mr Speaker, Sir. I would just like to have some clarification as to whether the documents which have been tabled, have the official seal of the Ministry of Youth and Sports. Whether it has the official seal of the Ministry of Youth and Sports, and not of the MFA?

(Interruptions)

Mr Speaker: Please! I am on my feet! Quiet! Some silence, please! I would invite the hon. Member...

(Interruptions)

Please! Order! Order! I am on my feet!

(Interruptions)

Hon. Member, sit down, please! Sit down!

(Interruptions)

Sit down, please! No noise here! I was addressing myself to the hon. Member. I would invite the hon. Member to have a look at the document, take cognizance of its content and verify if there is any comment or any point she wants to raise, she will be allowed to do so.

Ms Deerpalsing: Thank you.

**HON. P. ROOPUN – PNQ – REMARKS BY MINISTER OF
INFORMATION AND COMMUNICATION TECHNOLOGY**

Mr P. Roopun (Third Member for Flacq & Bon Accueil): On a point of personal explanation, Mr Speaker, Sir, I would like to draw your attention to the remark made by the hon. Minister of Information and Communication Technology during PNQ, to a supplementary question I had asked. I read some unwarranted remark made by the hon. Minister attacking my professional integrity and competence. I quote -

“My goodness, I could not expect this from a Solicitor.”

(Interruptions)

I will not respond by quoting chapter and verse but will content myself to state that what I stated is an elementary principle of contract law. I take serious objection to that remark, ask for an unqualified withdrawal from the hon. Minister, and request that this comment be expunged from Hansard.

(Interruptions)

Mr Speaker: Quiet, please! I would observe that it is against the Standing Orders to cast aspersions on the professional integrity of any hon. Member of this House. I would understand that the hon. Minister would have no difficulty to withdraw the words.

Mr Pillay Chedumbrum: Mr Speaker, Sir, I must tell my good friend that it was never my intention to harm him or to say anything of that sort...

(Interruptions)

Mr Speaker: Please, let the Minister speak!

Mr Pillay Chedumbrum: ... to question the reputation of my friend. So, I don't see in what manner I have harmed him. But if such has been the case, I have no objection to withdraw.

Mr Speaker: Very good!

Mr Ameer Meea: Mr Speaker, Sir, on a point of order.

Mr Speaker: On a point of order, yes.

Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East): Thank you, Mr Speaker, Sir. I thank you for your ruling on Standing Orders and I have one Standing Order, in particular, *notamment le* Standing Order 40, section 3 -

“No Member shall impute improper motives to any other Member.”

Mr Speaker, Sir, the hon. Minister A. Boolell has imputed improper motives to me to the effect that I am waging a war on the issue of opening a Mauritian Embassy in Saudi Arabia. This is totally untrue, malicious *et cela porte atteinte à mon honneur et à ma réputation.*

(Interruptions)

Mr Speaker: Order, please! Let the hon. Member speak!

Mr Ameer Meea: I will humbly ask the hon. Minister to withdraw what he has said and I will humbly ask you for your ruling.

Dr. A. Boolell: Mr Speaker, Sir, I am not responsible if the hon. Member will never be on the warpath.

(Interruptions)

Mr Ameer Meea: Mr Speaker, Sir, the hon. Minister has to withdraw what he said.

Dr. A. Boolell: I withdraw, Mr Speaker, Sir.

Mr Speaker: That's very good. Gentleman!

There is another point of order.

Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes): I am sorry, Mr Speaker, Sir, you said if I have any concern, I should voice it out.

On a point of order! The document that has been tabled by the hon. Member is an email from some Legekko Info Ltd. to the Ministry saying -

“Suite à notre rencontre (...) en la présence de Mr Pietro Allatta, merci de trouver ci-joint une pièce et preuve que la MFA soutienne Monsieur Pietro Allatta. »

And there is no document from the Ministry of Youth and Sports here.

(Interruptions)

Where is the official document? Where is it?

(Interruptions)

Mr Speaker: This is not a point of order! The Minister concerned will take cognizance of the document and, in due course, will make a statement about it.

Mr Ritoo: Mr Speaker, Sir, I reiterate everything that I replied to the question on last Tuesday and I will come with a statement.

(Interruptions)

Mr Speaker: Let's have some order, please! Let's have some silence! There is a Motion to be made by the Deputy Prime Minister! Please, proceed, Deputy Prime Minister!

MOTION

SUSPENSION OF S.O. 10 (2)

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

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo) rose and seconded.

Question put and agreed to.

Mr Speaker: This is a proper time to break for tea. So, I suspend for half an hour!

At 5.00 p.m. the sitting was suspended.

On resuming at 5.34 p.m with Mr Speaker in the Chair.

PUBLIC BILLS

First Reading

On motion made and seconded the Manufacturing Sector Workers Welfare Fund Bill (No. XXVI of 2012) was read a first time.

Second Reading

THE ASSET RECOVERY (AMENDMENT) BILL (NO. XXIV OF 2012)

Order for Second Reading

The Attorney General (Mr Y. Varma): Mr Speaker, Sir, I move that the Asset Recovery (Amendment) Bill (No. XXIV of 2012) be read a second time.

Mr Speaker, Sir, as hon. Members of the House are aware, the Asset Recovery Act, which was passed by this Assembly last year, provides for the framework and mechanism for the recovery of the proceeds and instrumentalities of crime. The Act, in fact, came into operation on 01 February of this year.

The objective behind this piece of legislation, Mr Speaker, Sir, was to provide the relevant authorities involved in the combating of crime with the necessary framework and tools to, first and foremost, recover the proceeds of crime so that they may not be used for further criminal purposes and may, instead, be used to compensate victims, for instance, and secondly, to discourage crime.

Mr Speaker, Sir, as pointed out in my speech when the Asset Recovery Bill was introduced, the Government Programme 2010-2015 provides for the establishment of an independent law enforcement agency under the aegis of the Office of the Director of Public Prosecutions to reinforce the fight against transnational crime and to recover ill-gotten gains. I am informed, Mr Speaker, Sir, that since the proclamation of the Asset Recovery Act, a unit has indeed been set up in the Office of the Director of Public Prosecutions comprising mainly of investigators and lawyers, and that the recruitment of other staff to form part of the said unit is still ongoing.

I understand that the unit is, to date, fully operational and that there have been, so far, about 50 cases referred to the Enforcement Authority which, as per the Asset Recovery Act, is the Director of Public Prosecutions. These cases relate mostly to drug dealing, including recent high profile cases. About 15 applications for Restraining Orders have been made by the Enforcement Authority and granted by the Court. Other applications made relate to Ancillary Orders. As regards the value of the assets and benefit that may be the subject matter of applications in the future, it is, so far, of approximately Rs100 m.

I also understand that the Enforcement Authority has, on a regular basis, been organising meetings with other stakeholders like the Financial Intelligence Unit, the Police Department, the Independent Commission Against Corruption, the Mauritius Revenue Authority, the Financial Services Commission and the Registrar of Companies. Furthermore, with regard to important cases, taskforce meetings with law enforcement agencies have also been regularly held.

Consequently, in the light of experience gathered by the Enforcement Authority since the proclamation of the Asset Recovery Act and in view of certain problems encountered in its implementation, representations have recently been received from the Enforcement Authority for amendments to be brought to the Asset Recovery Act in order to, mainly, enable the Enforcement Authority to perform its role more effectively under the law and to allow the recovery of proceeds derived before the coming into operation of the Asset Recovery Act, thereby allowing a more efficient and effective implementation of the said Act. It is also to be noted that the Government Programme 2012-2015 provides at paragraph 22 for the amendment of the Asset Recovery Act to cover all accumulated assets of persons convicted of specified offences.

The present Bill, therefore, Mr Speaker, Sir, purports to give effect to the provision of the Government Programme referred to above and the various recommendations of the Enforcement Authority in order to, *inter alia* –

Firstly, give to the Enforcement Authority the power to confiscate or recover assets accumulated illegally up to a period of 10 years prior to the commencement of the Asset Recovery Act. I must here point out, Mr Speaker, Sir, that as per the United Nations Convention against Corruption, provision should be made under the law of the member States for the recovery of all proceeds derived by an individual. Moreover, in countries like South Africa, the United Kingdom, Australia, New Zealand and many other jurisdictions, the recovery of proceeds which have been acquired before the enactment of their relevant law, is possible.

Secondly, broaden the definitions of “gift”, “interest” and “benefit”.

Thirdly, expressly provide for the reversal of the burden of proof with regard to criminal based seizure and confiscation so that the onus is not on the Enforcement Authority to prove the criminal nature of assets. Indeed, Mr Speaker, Sir, under our law as it presently stands, it is for the Enforcement Authority to satisfy the Court that property or benefit was not derived from an unlawful activity, which is in sharp contrast not only with the practice in other jurisdictions, but also with other pieces of our own legislation dealing with asset recovery like the Dangerous Drug Act, the Financial Intelligence and Anti-Money Laundering Act and the Prevention of Corruption Act, which all provide for the reversal of the burden of proof. This does not, however, mean that the Enforcement Authority does not have to prove anything because it will still be for the Enforcement Authority to satisfy the Court that a Confiscation Order is justified on a balance of probabilities.

Fourthly, allow suspects themselves to manage their assets, in view of the exorbitant costs involved in the appointment of an Asset Manager.

Fifthly, provide that the Investigative Agency shall be headed by a Chief Investigating Officer with appropriate qualifications, and

Finally, make better provision for confidentiality and cooperation with public bodies.

Moreover, opportunity has also been taken to make certain minor corrections to the Act. As far as the different provisions of the Bill are concerned, Mr Speaker,

Sir, clause 3 amends section 2 of the Asset Recovery Act (i.e the Interpretation Section) in order to, *inter alia*, amend the definitions of “benefit”, “gift”, “instrumentality”, “interest” and “proceeds”. It is here worth noting that the term “benefit” is being extended to apply to actual as well as potential advantage, gain, profit, benefit or payment that any person derives or obtains or is likely to derive or obtain.

A few new definitions are also sought to be inserted in the Asset Recovery Act, including that of “unlawful activity”. I would here like to point out that I shall, at Committee Stage, move an amendment, as circulated, to clause 3 (i) of the Bill, so as to delete in paragraph (a) of the proposed definition of “unlawful activity” the words “and which is done after the commencement of this Act”, and here, Mr Speaker, Sir, I am thankful to the hon. Second

Member for Port Louis South and Port Louis Central for having brought the issue to my attention.

Clause 4, for its part, amends section 3 of the Asset Recovery Act so as to allow applications to be made under the Act in respect of unlawful activities (as now defined) carried out within 10 years before the commencement of the Act, and thereby give to the Enforcement Authority the power to confiscate or recover assets accumulated illegally during the 10 years preceding the commencement of the Act. As for the new subsection (2A) which is sought to be inserted in section 3, it provides that for the purposes of sections 17 and 19, where it is found that a person was in possession of any property or has derived a benefit from an unlawful activity, and that he did not have a legitimate source of income sufficient to justify his interest in the property or the benefit derived by him, the onus shall, on a balance of probabilities, lie on that person to show that the property was not obtained, or the benefit was not derived, from an unlawful activity. Finally, the new subsection (5) that is sought to be inserted in section 3 clearly specifies that an application to the Court or a Judge under the Asset Recovery Act shall constitute civil proceedings and be determined on a balance of probabilities.

Clause 6 seeks to amend section 5 of the Asset Recovery Act mainly to provide that the Investigative Agency shall no longer comprise law officers. On the other hand, provision is made for one of the law enforcement agents forming part of the Investigative Agency to be designated as the Chief Investigating Officer who, following an investigation has to submit the conclusions of the Investigative Agency to the Enforcement Authority.

As for clause 7, it seeks to amend section 7 of the Asset Recovery Act to provide, *inter alia*, that the Enforcement Authority may authorise payments out of the Recovered Assets Fund to fund such training or capacity-building activity as may be required by the said Authority for the purposes of the Act. As at now, such payments may only be authorised to compensate victims, transfer recovered property, pay expenses relating to the recovery and management of property (including fees of receivers, Trustees or Asset Managers), pay third parties, and pay costs associated with the administration of the Fund.

Furthermore, clause 10 seeks to amend section 17 of the Asset Recovery Act in its subsection (1), so as to give to the Enforcement Authority the power to apply for a Confiscation Order, not only in respect of the benefit derived by a convicted person from the offence committed, but also from any other unlawful activity which the Court finds to be sufficiently

related to that offence. Subsection (5) of section 17 is also sought to be amended to enable the Court to have regard to any other relevant evidence gathered in the course of an Investigation where there is an application for a Confiscation Order, so that any evidence received in the course of the proceedings against the person convicted before the trial Court.

Furthermore, section 17(7), which presently provides that a person shall be deemed to be convicted of an offence where he is charged with, and found guilty of the offence but is found not to be criminally responsible, is being repealed.

Under clause 11, section 19, which deals with Confiscation Orders, is sought to be amended in its subsection (1), so as to mainly make provision for a time limit within which a defendant who is considered to have benefitted from an offence or any other unlawful activity which the Court finds to be sufficiently related to that offence, should pay to the State an amount equal to the value of his benefit.

As for Clause 12, it seeks to amend section 20(1) of the Asset Recovery Act to provide that the value of the benefit derived from an offence may now include the value of any dangerous drug found in the possession of the defendant or any other person on behalf of the defendant.

Clause 15 seeks to amend section 27 (which deals with Restriction Orders) so as to enable a Judge to make a Restriction Order where a person is not in Mauritius. Moreover, by virtue of the proposed new section 27(3A), the Enforcement Authority may apply to a Judge for an order to the effect that, instead of appointing an Asset Manager, the person in whose possession the property is found shall exercise the powers referred to in section 27(2)(b). Further, the application of section 14 is also sought to be extended to a Restriction Order, with necessary modifications, as it applies to Restraining Orders.

Clause 16, for its part, seeks to amend section 35(3) of the Act to enable the Court to make a Recovery Order where a person is not in Mauritius.

Clause 18 seeks to repeal and replace section 45 (which presently deals with Production Orders) by a new section 45 which provides for the exercise of Ancillary Powers by the Enforcement Authority which may thus, by virtue of the proposed new sections 47 and 48, under clauses 20 and 21 respectively, require a person to produce or disclose information or material, or a financial institution to provide customer information, in the circumstances set out in the said new sections.

Clause 22, for its part, seeks to amend section 50 to render refusal or failure to comply with a requirement under section 47 or 48 an offence.

As regards Clause 24, it seeks to amend section 59 (which deals with domestic co-operation agreements) to provide that every public body (including the Commissioner of Police, the Financial Intelligence Unit, the Financial Services Commission, the Independent Commission against Corruption, the Mauritius Revenue Authority and the Registrar of Companies) which has been notified by the Enforcement Authority of the start of an Investigation shall provide the latter with such information as it may require for the exercise of its functions and powers under the Asset Recovery Act.

Clause 25 of the Bill seeks to amend section 63 to mainly provide that the Community Service Order shall not apply to a conviction for an offence specified in section 63(1)(a).

Finally, Mr Speaker, Sir, Clause 26 seeks to amend section 66(1) of the Asset Recovery Act in order to enable the Dangerous Drugs Commissioner under the Dangerous Drugs Act to complete any matter pending before him at the commencement of the Asset Recovery Act, in accordance with section 64(3)(k) of the Banking Act, in addition to the repealed provisions of the Dangerous Drugs Act, while Clause 27 makes a consequential amendment to section 64(3)(k) of the Banking Act.

Mr Speaker, Sir, I am sure Members of the House will agree that the amendments being proposed, which are meant to ensure that offenders cannot benefit from their crimes and which are in line with the objective of Government not only to combat but also discourage criminality, will no doubt improve the existing asset recovery mechanism provided for in the Asset Recovery Act. It is also to be noted, Mr Speaker, Sir, that the amendments being proposed will also serve to bring the Asset Recovery Act much more in line with the current trend and practice obtained in other jurisdictions such as South Africa, the United Kingdom and Scotland, where the asset recovery mechanism has proved to be successful – which is precisely, Mr Speaker, Sir, the ultimate aim and objective of Government behind the present piece of legislation, and also the end result which, I am sure, not only this Government, but also every citizen of this country wishes to see.

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

Dr. A. Boolell rose and seconded.

(5.46 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Speaker, Sir, when the main Act was passed in Parliament last year, we did intervene and we supported the main Act because we believe that gains from unlawful activities ought not to accrue and accumulate in the hands of those who commit these unlawful activities. Those individuals ought not to be accorded the rights and privileges normally attendant to any citizen. We supported the main Act and today, of course, we will support the amendment if only it comes to give more power; not only power, but more access to these illegal assets to be seized.

Mr Speaker, Sir, when the main Act was introduced in the House, the hon. Attorney General made it clear to say that the Bill will apply to any offence committed and any property obtained after the commencement of the Act and, therefore, will not have any retrospective effect. That is what was said last time. We supported that proposition and, today, an amendment is brought in this House to give retrospective effect to the main Act. We are talking about offences which have been committed for the last 10 years and confiscation of assets which have been bought for the last 10 years.

We, of course, understand the predicament of the authorities in doing their investigation. However, we have some doubt about the constitutionality of that issue. Can we go as far back as 10 years to secure the assets of a criminal if the crime is committed today when we know that our Constitution guarantees the right to property? But, of course, it does not guarantee the right to illegal property. Then we have to be sure that this amendment will not bring a *frein* to the process of seizing assets because we are talking about people who have got money, people who can afford to drag things in court and put at a standstill all that is being done now by that institution. So, we have to be careful.

We have an example now. We have two committees set up following the Truth and Justice Commission; one presided by one Magistrate with regard to sale by levy and the other one presided by a Senior Magistrate with regard to prescription. One is functioning; one has been put to a halt, because cases have been entered with our the Supreme Court, where, apparently, there is some challenge as to whether we should have another Commission - there has been one in the past or things like this. What we are saying, we are concerned that there should be no excuse for these people who have enriched themselves unlawfully by committing crimes, crimes not only against the Criminal Code, but crimes against our children, youth of this country. We

know we want things to go to a halt by miring somebody to go and enter a case challenging the constitutionality of this amendment.

We want the Attorney General to clarify this issue of constitutionality, so that we know that this issue has been duly looked into. We know that in certain countries, be it in England itself, they have found that, because it gives that civil burden of proof, it is a civil matter and then it is constitutional, but then we have a different Constitution when it comes to our right of properties and we are also guided by the Civil Court. So, this is one issue which we would like the hon. Attorney General to clarify.

Mr Speaker, Sir, there is another issue which has been raised. I am raising this as a matter of concern, not to say that we are against the Bill, but issues which have been canvassed in certain countries, not only the illegality or unconstitutionality of that region, but also about a fair hearing. When one's asset is being confiscated 10 years after, even of the burden of proof, of probabilities, can we say that, after 10 years, each and everyone will be able to come and defend himself fairly? Will he have all the documents, whatever he needs to make his case before the court, after 10 years? Today he is being convicted for that, he is being asked to come and say how, 10 years later, he bought a bicycle, a motorcycle or a car or whatever. So, this issue has been canvassed as well, whether someone will have a fair hearing when his case is being heard with regard to the issue when his properties are going to be confiscated. If the people may not have a fair hearing, we are extending now, not only the criminal, but other people close to him. Will they have a fair hearing, 10 years after? So, these are issues which we are raising, not to say that we are against confiscation of assets, but we do not want legal issues to bring confiscation of assets through the court. We know what happened when we had the Commissioner; no assets were recovered because things were dragging on between the DPP's Office, the Court and the Supreme Court. I think, after 10 years, we only recovered around Rs110,000 and the salary of that Commissioner was more than Rs110,000 per month. So, we do not want to find ourselves with another issue.

Now when I come to the issue of fair hearing, there is one point which bothers me. Again, I will invite the hon. Attorney General, with regard to an amendment which is being brought to section 17 of the main Act. What does section 17 say? Section 17(5) of the main Act states –

“where an application is made for a Confiscation Order the Court may in determining the application have regard to any evidence adduced in the course of the proceedings against the person convicted before the trial court;”

Concerning this, we do not have any problem. These are admissible evidence which have been found to be legally obtained, which are being produced for the Confiscation Order. But now we are adding –

“and to any other relevant evidence gathered in the course of an Investigation;”.

Investigation by whom? Let us be clear! We keep talking about independent institution but, unfortunately, we cannot say that all institutions are independent. And illegally obtained evidence will be used, which was not admissible in the criminal case, but now will be used when it comes to confiscate the asset. Again, we may have the problem of a fair trial, because, previously, only evidence was used for the conviction, but now it is the evidence which has been gathered by investigation, in the course of the proceedings. Now, we are saying any evidence which has been gathered by the investigation. We know, among the investigations, we have the MRA, FIU, and ICAC. Evidence which should be gathered will now be admissible in a trial when the assets are being confiscated? Again, we have to be careful when looking at these amendments.

The main objective is not to let somebody who has enriched himself or herself unlawfully to enjoy the proceeds. But now we are having an amendment again, we are not appointing a trustee or a manager. In certain cases, we will tell him: “you look after the property.’ Is that proper? Somebody who has enriched himself illegally, we have some doubt about these assets, four houses, two bungalows, and we are telling him now: ‘you know, we cannot afford to have a manager; you manage your own assets, continue to enjoy your bungalows, your houses or big cars.’ Again, we have to be careful, we are coming with amendments, but we will have to bring amendments which, of course, will make sure, to punish or deprive these people of assets which they have illegally obtained.

I now come to the Office of the DPP. I am happy to hear that now there is an Office operating now at the DPP and they have recruited professionals and more professionals will be recruited. This Bill, of course, deals with those who have enriched themselves tremendously by doing illegal activities, but the DPP’s Office also look about freezing orders. We know now who are the victims of freezing orders, people who have been caught with four/five pouliah of gandia,

because they have shared them with a friend they become *trafiquants*; they are charged with drug dealing, all their assets are frozen. Among their assets, what do they have? A bicycle and a bank account! These assets are frozen, not only pending the conviction - up to today, I know of people who have been convicted, Mr Speaker, Sir, they have passed their sentence, they have paid their debt to society, but still, two and a half years later, their assets are still confiscated, they cannot open a bank account, they cannot look for a job, because when the employer tell them to give their bank accounts to credit their salaries, they cannot do so; they cannot work. And we expect these people to come back in society! Here again, if we are trying to get *le gros requin*, we should not punish those who are victims of the *gros requin*. We have to come to an amendment. I do not know whether it should again be with the Office of the DPP or it is the court which should issue the order now that once someone has been convicted after he has served his sentence, all the freezing orders should be removed automatically. Because what is the point of freezing? They can't open a bank account, they can't do any transaction, they can't buy anything, they can't sell anything, they can't do anything after two or three years they have been sentenced. So, I will invite the hon. Attorney General to draw the attention of the DPP's Office so that we don't punish these people unnecessarily.

There is another issue which has been a matter of concern. Mr Speaker, Sir, there is a judgment with regard to the freezing of assets. I am sure you are aware of that judgment of the Supreme Court. The Director of Public Prosecutions v.s Abdool Cader Abdool Gaffoor; Rubina Bibi Dookhit and Azad Dookhit. In 2010, Mr Justice Domah – it was an application for Justice Domah - makes certain recommendations. He said if the law does not tell you within what time you should remove the freezing order, but according to the Interpretation Act, it must be within a reasonable time. This was said in 2000. But, unfortunately, nothing has been done. People are still being punished. No reasonable time is being applied in such circumstances.

My friend, hon. Ramano, has drawn my attention to certain practical issues which the Notaries face with regard to freezing orders. Freezing orders under the Dangerous Drugs Act and Attachment Orders by ICAC, these orders are not registered at the Registrar General's Office in the *cahier de* Mortgages of these applicants. They are not transcribed. At any time, a Notary can find himself against the law because it is not transcribed. He sells the property, he transfers the deeds and he finds himself being prosecuted for having been in breach of a Freezing Order. But nothing is transcribed there. They just send one letter at that time. But then, if the sale is

being done for five years after, would you imagine some way in order to keep this letter for five years? There is an urgent issue there and there should be an amendment to the Registration of Duty Act and the Inscription of Privileges and Mortgages Act. There should be an amendment or, again, let's have a Court Order, *une inscription judiciaire* as per the Civil Court and this will be scraped automatically in the *casier judiciaire*.

Mr Speaker, Sir, I have raised certain points and I know that my colleagues, on this side also, will raise certain issues, but let it be clear that we voted for. In fact, the MMM, we had a committee, we did release a document. When it comes to the assets, we are for the confiscation of the assets of all drug traffickers.

(Interruptions)

Before the law was passed, yes; my friend knows my intention. I referred to it last time when I addressed the House on the main Bill. I won't repeat myself, it is already on record. Like I said, we are for the confiscation of assets of all drug traffickers. They should not be allowed to enjoy these properties but, of course, we want things to be done neatly so that there is no legal obstruction on the authorities when they go ahead to seize the assets of the drug traffickers or the unlawful enrichers.

Thank you, Mr Speaker, Sir.

(6.04 p.m.)

Mr N. Bodha (First Member for Vacoas & Floreal): Mr Speaker, Sir, when the Bill was passed, the main Act, I did not take the floor, but I think that it is very important today, with the amendment that is being brought, that on this side of the House we do bring our contribution to the debates.

Mr Speaker, Sir, as hon. Baloomoody has said, the recovery of assets from ill-gotten trafficking, crime, in a democracy is a must and it has to be done. The Bill came. We are now coming with an amendment to make the framework more effective; that is what we hope.

Mr Speaker, Sir, even in the best of democracies, we have an underground economy. And in some countries like Italy, the underground economy is as powerful as the other economy. In Mauritius as well we have an underground economy. And the asset recovery mechanism should deal with the assets of the underground economy. What is the scale of the problem? I did some research, Mr Speaker, Sir, on a global level. According to the United Nations estimates,

the total amount of criminal profits in 2009 was 2.1 trillion dollars. That is 3% of the global GDP of the world. There are no general estimates of the size of criminal profits in the European Union. But if I take the case in Italy which is very famous for organised crime, because crime has become very sophisticated, it is organised. It involves the best expertise, intelligence. In Italy, annual crime revenue is estimated at 150 billion euros. In the UK, it is estimated at 15 billion pounds. I am going to make a very simple calculation for Mauritius. If we have to have 20,000 drug users in Mauritius with a daily dose of Rs500, it is Rs10 m. per day. It is Rs3.6 billion per year. If I were to reduce this by a third, still it is Rs1.2 billion per year and that money is re-injected in the economy by one way or the other. So, it is a duty, as lawmakers, in Parliament today, on both sides of the House, to give to this country the best mechanism for the asset recovery because it is money which has to go back to the nation and to the people, Mr Speaker, Sir.

Now, the amount confiscated by the mechanism that is put in other countries, for example, in France, it was only 185 million euros. We are talking of billions and what we can, in fact, recover is only 185 million euros. In the UK, I gave the figures of 15 billion pounds and what was recovered was 15 million pounds. In Mauritius, Mr Speaker, Sir – you have been in this House - since the Commission of Enquiry and all that we have, just like we change the law about the freezing of assets we appointed a Drug Commissioner, we had a Drug Czar. We have a Commissioner for Forfeiture. What have we achieved in Mauritius over the last 15 years? I think there was a figure; it was a bit more than Rs100,000, Mr Speaker, Sir.

As I said, in a democracy, with the rule of law it is a duty to recover the assets of the underworld economy. Mr Speaker, Sir, the law is very important but, my friend, in fact, addressed the issue of the mechanism, about who is going to do the investigation, who is going to go to the courts to have the Confiscation Order. Why? Who are we fighting, Mr Speaker, Sir? We are fighting what we call organised crime. Of course, we have the peddlers who get caught, but when I come to the organised crime, it involves professionals from all parts of the financial, the legal, the insurance, the money servicing business, accountancy, gambling, real estate sectors as well as Government Law Enforcement and Regulatory agencies. This is what is being involved. The other day, I was watching horse racing and I asked some people who were betting on the horses what is the official bet on one race. Mr Speaker, Sir, you will be surprised, it is about Rs20 m. in one race, and we have eight races and forty Saturdays and Sundays where we

have races! But, that money as well goes back to the economy. This is not ill-gotten except if it is illegal, *dans des paris illégaux*.

What I am saying, Mr Speaker, Sir, is that the assets often are managed by, what we call, the gatekeepers, that is, they are professional people who are there to do the money laundering, to obscure the traces of looted assets and they provide the professional confidentiality, setting up structures based on corporations, shell corporations where companies are registered and we do not have relevant information. That is where we come to tracing under the audit trail, money trail. Tracing is a very important exercise, Mr Speaker, Sir, and not a lot of tracing has been done in Mauritius. There have not been many audit trails in Mauritius.

In one case the inquiry is going on, and I am not going to raise any matter on it. On this big *Gros Derek* drug dealing, Mr Speaker, Sir, we have to see the investigation going on criminally as regards the drug offences. But, what is interesting is that we hope that the ramifications as regards the money laundering, and the assets as well, will continue and we will see what is really happening in this case, Mr Speaker, Sir.

Mr Speaker, Sir, as I mentioned, those gatekeepers provide the structures which can create a dense smoke screen and to pierce that veil is a formidable task. But then, we have the political will here, as law makers, to provide the country with the mechanism. Mr Speaker, Sir, I will not go through the law and its technicality, because hon. Baloomoody has done a good job; I will just mention a few things. When the hon. Attorney General came with the first Bill, he mentioned that: ‘we will allow the Director of Public Prosecutions to reinforce the fight against transnational crime and to recover ill-gotten gains.’ This transnational crime involves Mauritius as well. When you have Mauritian people who go abroad and are caught with foreign currency, when you have some Mauritian people who have property abroad, that is where the whole issue of tracing comes in, Mr Speaker, Sir. We should have the will and not only the mechanism; today we are setting the law, we should have the mechanism and the right people to go to fight and to be able to see to it that we can trace the ill-gotten gains, not only in our country, but beyond. On this issue, Mr Speaker, Sir, the United Nations and the European Union – there have been some conferences about this – are ready to provide capacity building for our people. I would ask the Government and the hon. Attorney General to think about it, to have this capacity building and to have the expertise. We are in a very small country and, I am sure, we are able to see, *ce que j’appelle en français, les signes extérieurs d’enrichissements illicites. C’est clair;*

tout le monde se connaît et ce n'est pas très difficile, M. le président, to see what we call the unjust enrichment and to be able, with efficacy and effectiveness, to carry out an audit trail and a money trail so as to trace those ill-gotten gains.

I will just have a word on the constitutionality because section 8 of the Constitution provides the right to property, and deprivation of right to property is a very important matter when it comes to balance of probabilities, where the burden, in fact, is on the citizen. He has a right, but we are putting the burden on him to say that he has to explain how he became the owner of such and such benefits or such and such possessions.

In one country - I think it is the United States - they have gone even as far as preventing the heirs from benefitting from the heritage of somebody against whom there is a case and the property is frozen and the heirs cannot do anything. Just like my hon. colleague mentioned, once the property is frozen, it will take years and years.

When it comes to the DPP's Office, we know that it is overstrained with work. We know the time it takes for a case to be investigated into and the charges laid; the provisional charge to be converted into a formal charge and the case to come to Court. So, the DPP's Office is already overstrained and now we are giving additional responsibilities. I think the hon. Attorney General will have to address this issue as well just like for the courts. From what I have heard, Mr Speaker, Sir, today if you lodge a case in the Supreme Court, it will take years before the case is heard. When we come to confiscation orders and freezing of assets of people, the time by which we can come to the conclusion that the assets were ill-gotten or not is very important because you are depriving a constitutional right to that person for a number of years.

Mr Speaker, Sir, I raised the issue of confidentiality and my hon. friend will address the House. I would like to end on one point. Just imagine, in Mauritius, today if we have a Commission of Enquiry on Drugs what is going to be laid bare and with such a Bill, the Assets Recovery Bill, what we could achieve for this country! Just imagine what was done in 1986 when it came to drug trafficking on the judicial, but we did not achieve much on the assets recovery because the law then was new. But, today, if we have a Commission of Enquiry and we have the proper findings, I think it will recover billions of rupees and we will be able to save this country from the scourge of ill-gotten gains.

Thank you, Mr Speaker, Sir.

(6.18 p.m.)

The Minister of Information and Communication Technology (Mr T. Pillay Chedumbrum): Mr Speaker, Sir, allow me, at the first instance, to thank my friend, the hon. Attorney General, for bringing the Asset Recovery (Amendment) Bill to the House today.

Mr Speaker, Sir, the Asset Recovery Act, which hereinafter I will refer to as the ARA, came into force on 01 February 2012. The aim of the Act is “to provide for conviction-based and non-conviction based recovery of assets and for related matters.”

The ARA changed the approach which obtained in Mauritius as regards asset recovery in two ways. Firstly, it provided for non-conviction based recovery of assets. Secondly, it unified the provision as regards conviction-based recovery of assets. Before the passing of the Act, those provisions were to be found scattered in different enactments: The Prevention of Corruption Act, the Financial Intelligence and Anti-Money Laundering Act, and the Dangerous Drugs Act.

The ARA, therefore, is an important piece of legislation in the arsenal of the State to track down and recover ill-gotten gains from those who have contravened the law. It is quite a technical piece of legislation and it has now become clear that it needs to be fine-tuned in certain respects. This is what Government purports to do with the present Bill.

Mr Speaker, Sir, it is apposite at this stage to examine some of the changes brought about by the Bill. Under the ARA, the Confiscation Order is a tool, which may be used for conviction based recovery of assets. The latter term refers to recovery of assets of a convicted person after his trial. The Bill, section 4(c) purports to introduce the following provision concerned with the Confiscation Order in the Act -

“For the purposes of sections 17 and 19, where it is found that a person was in possession of any property or has derived a benefit from an unlawful activity, and that he did not have a legitimate source of income sufficient to justify his interest in the property or the benefit derived by him, the owner shall, on a balance of probabilities, lie on that person to show that the property was not obtained, or the benefit was not derived from an unlawful activity.”

In the Bill, Mr Speaker, Sir, section 4(d) further purports to introduce the following section -

“An application to the Court or a Judge under this Act shall constitute civil proceedings and be determined on a balance of probabilities.”

It must be noted first that the first provision quoted above imposes upon a person to prove that his property was not obtained from unlawful activity. Because of the second provision, we must view this in the context of civil proceedings. Hence, section 10(11) of the Constitution is not strictly applicable in as much as it is concerned with proof of particular facts by the accused in the context of a criminal trial. In a civil trial, there is nothing which prevents an enactment from imposing upon a party from proving certain facts, the failure to do which may lead to an adverse inference being drawn against him.

The next point to be considered concerns the retrospective application of the ARA. The Bill introduces a new term. It is that of ‘unlawful activity’. It is defined as follows –

“Unlawful activity

- (a) means an act which constitutes an offence or some other contravention of a law and which is done after the commencement of this Act, and
- (b) includes acquiring possession of property or deriving a benefit, as a result of or in connection with an act referred to in paragraph (a), at any time not earlier than 10 years before the commencement of this Act.”

Part (b) of the definition in effect purports to provide for a retrospective application of the ARA regarding property acquired or a benefit derived as a result of an offence or contravention of the law committed during the ten years preceding the commencement of the Act. Mr Speaker, Sir, the question is whether this is lawful and, more precisely, whether this is constitutional, one of the canons of the statutory interpretation being that in principle, laws apply prospectively. In this regard, my friends on the Opposition side entertain some doubts on the constitutionality of the provision. In my humble opinion, Mr Speaker, Sir, the answer to the question is that this provision is constitutional and, therefore, lawful. Section 46(4) of the Constitution expressly provides that Parliament may make laws with retrospective effect.

The next point deals with the enforcement of the Act. The ARA creates the following regime. It is to be enforced by an Enforcement Authority. That Enforcement Authority is the Director of Public Prosecutions or any law officer to whom he shall have delegated his powers under the ARA in writing. The Enforcement Authority is to be assisted by an Investigative Agency. Therefore, the ARA presently provides that the Investigative Agency shall comprise

law officers designated by the DPP and law enforcement agents designated by the Secretary to Cabinet or the controlling body of a statutory corporation.

The Bill, section 6(a)(i) seeks to modify the composition of that investigative agency to provide that law officers will no longer be part of it. The Bill, section 6(b), also provides that the DPP will designate a Chief Investigating Officer to head the Investigative Agency. The Bill, section 6(c), also introduces a duty of confidentiality on law enforcement agents forming part of the Investigative Agency.

The next point, Mr Speaker, Sir, deals with the issue of who should look after an asset, which is subject to a Restriction Order. Under the ARA, a Restriction Order is concerned with civil asset recovery. The Enforcement Authority may apply for same where specified property is believed to be proceeds or an instrumentality or terrorist property. The terms 'proceeds' and 'instrumentality' have a technical meaning under the Act and are defined. The proof to which the Enforcement Agency must come to in such an application is that the property is proceeds, an instrumentality or terrorist property. It needs not show that the property was derived directly or indirectly from a particular offence or that any person has been charged in relation to such an offence. The ARA, section 27(1) (d), provides that the Enforcement Agency may apply for the appointment of an Asset Manager. The Bill, section 15(c), provides that the Enforcement Agency may, instead of asking for the appointment of an Asset Manager, ask the Court that the property remains with the person in whose possession it is found. That person, when so appointed, will have the same powers as the Asset Manager. It appears that this measure, Mr Speaker, Sir, will save unnecessary expenses to the Enforcement Agency and is, therefore, most welcome.

The next issue to be considered is the registration of Restriction Orders. Section 14 of the ARA deals with the registration of a restraining order. It further expatiates on what may be done in relation to the property subject to the Restriction Order, following its registration by the Registrar General. Section 16(d) of the Bill provides that section 14 of ARA shall apply to a Restriction Order subject to necessary modifications, as it does to a restraining order.

The next point to be considered, Mr Speaker, Sir, concerns orders which may be sought under the ARA and the procedure to obtain same. The ARA, as it presently stands, provides that an application may be made for –

- (i) a production order, section 45(2);

- (ii) a search and seizure order, section 46(3);
- (iii) a disclosure order, section 47, and
- (iv) a customer information order, section 48.

Mr Speaker, Sir, for all these orders, applications need to be made to the Judge in Chambers. The Bill in effect does away with the production order and disclosure order replacing them by a new provision entitled 'Power to require production or disclosure'. The specificity of that section is that an application no longer needs to be made to the Judge in Chambers for the issue of the order. The Enforcement Agency may, by written notice, require any person to produce information or material in specified circumstances. The Bill, therefore, also does away with the Customer Information Order, which required an application to be made to the Judge in Chambers. In lieu and stead of a new section 48 entitled 'Power to require Customer Information' is sought to be introduced.

Pursuant to that section the Enforcement Agency may, by a written notice, require a financial institution to provide such customer information as may be detailed in the notice in specified circumstances. As regards the search and seizure order under section 46, an application to the Judge in Chambers still needs to be made. The Bill also slightly amends section 46 of the Act.

Mr Speaker, Sir, at this stage, it is apposite to deal with the amendment brought to section 59 of the ARA which is entitled 'Domestic Cooperation Agreement'. The Bill (section 24) amends the Act to provide that the Enforcement Agency, may, at the start of an investigation, notify a public body of the start of an investigation. The aim behind such notification is to foster mutual cooperation and sharing of information. The Bill (section 24) further provides that the public body must provide the Enforcement Agency with such information as it may require exercising its powers under the ARA. The Bill further specifies what 'public body' means. It means the Commissioner of Police, the Financial Intelligence Unit, the Financial Services Commission, the Mauritius Revenue Authority, the Registrar of Companies and such other public body as may be prescribed.

Mr Speaker, Sir, the ARA is a bulky enactment. This is so because of the nature of the subject matter it deals with. For those who will be using the Act, namely the Court, lawyers and the general public, clarity of the law is essential. It is important that they are not left to second guess the meanings of terms in the ARA. This would hinder the proper enforcement of that

enactment. The Bill aims to prevent that. It amends a number of definitions and includes a number of new definitions of new terms sought to be introduced in the ARA. These are found at section 3 of the ARA.

Mr Speaker, Sir, to conclude, all in all, therefore the changes brought by the Bill should be welcomed. They will allow for a better enforcement of the ARA. This Bill also shows the willingness of Government to take prompt actions where needed. This is the sign of a responsible Government.

Thank you, Mr Speaker, Sir.

(6.32 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, we are debating this Bill today with the backdrop of the *Gros Derek* case. The *Gros Derek* case, which we have been following through the press, shows us how crime today is getting more and more sophisticated and more and more organised; how drugs are imported, refined, distributed; how money is then laundered for a series of *prête-noms*, how assets are bought, sold and transferred.

I would like to pause here, Mr Speaker, Sir, and on behalf of this House, I would like to congratulate Inspector Rujub and his team of ADSU for the wonderful job that they are doing, meticulously unwinding this whole web of transactions and, no doubt, after the plot has been unravelled, a few heads will fall. And when this happens, I hope, Mr Speaker, Sir, that no person in authority will call at the Police Station of Plaine Verte to enquire about the health of any victim or any witness that has been arrested.

Mr Speaker, Sir, organised crime operates like a business today. And as all business crime is driven by profit, maximum profit and minimum risks, *les gros requins*, the big bosses of the criminal mafia do not get their hands 'soaked' and take minimal risks. Today, what is this Bill doing? It is making it riskier for organised crime by giving wider powers to the Enforcement Authority to investigate, to obtain information and secure ancillary orders. What this Bill is doing today is to make it less profitable for organised crime by attacking the money through asset forfeiture.

Mr Speaker, Sir, the amendment to the legislation will hurt financially not only criminals who perpetuate a crime, but also those who do business with them, those who derive a benefit from unlawful activity, those who deal with illicit funds on behalf of the criminals; those who are

in possession of the illegal funds and property. The message that this House is sending is loud and clear. Crime does not pay; you can't hide your illicit assets, and we are out there to get you. In doing so, Mr Speaker, Sir, we are doing nothing less than live up to our international commitment.

Mauritius has acceded to the United Nation Convention against Corruption and, according to Article 31 of that Convention :

“Each State shall take to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of -

(a) Proceeds of crime derived from offences.”

With your permission, Mr Speaker, Sir, I would like now to turn to two specific amendments being proposed by this Bill. The first one is in the definition of ‘unlawful activity’. Section (a) is being amended by adding the words “some other contravention of a law (...)”, so that “unlawful activity’ will now read -

“It means an act which constitutes an offence or some other contravention of a law (...).”

We are going much beyond the United Nation Convention against Corruption. We are going much beyond what we had agreed to last year. Last year, it was limited to “Offences committed after the commencement of the Bill and it was limited to only “Crime which carries a punishment of at least 12 months imprisonment”. We are going now wider than the powers that were given under the Dangerous Drug Act which was limited only to proceeds of drug related offences. We are going wider than the powers under the Prevention of Corruption Act 2002, which allowed “Recovery of proceeds derived from corruption and money laundering offences”. The amendment is deliberately couched in the widest possible sense to provide greatest flexibility to the Enforcement Authority. However, Mr Speaker, Sir, when the main legislation was debated last year, I put in a word of caution, that this new powers given to the Enforcement Authority should not be abused. Today, we are not talking about proceeds of serious crime; we are talking about proceeds of any contravention of law. We are talking about misdemeanours; we are talking about road traffic offences. Any petty crime is now subject to this legislation and, we, on this side of the House, have utmost faith and trust in the Office of the Director of Public Prosecution and we trust that it will use its power judiciously, especially when it comes to civil forfeiture and application for Non-Conviction Base Asset Recovery Order.

Mr Speaker, Sir, unlawful activity is also being amended to provide for the acquisition of property derived from an unlawful activity at a time not earlier than ten years before the commencement of this Act.

We have heard my learned friend, hon. Baloomoody, and hon. Bodha and even those on the other side, talk about a question of constitutionality. Because what this amendment is doing, is allowing the recovery of property obtained at a time where it was not an offence to hold those assets. The argument for the application of retrospective legislation, whether it is anti-constitutional or not is simple. Can you recover, today, an asset which you held and at the time at which you held this asset, if the enforcement authority had entered a case against you at that time? You would not have been able to recover that asset. The problem, Mr Speaker, Sir, is that after ten years you may have dissipated that asset. You may no longer have that asset. It may be unfair to sue you, because you may have lost certain evidence and certain proof to show how you came across this asset and that this asset belongs to you through lawful means.

This aspect of the constitutionality of retrospective legislation has been considered in several jurisdictions, including in England which has a similar provision under their proceeds of Crime Act, and it has been held by the Court of Appeal in England that retrospective application of the law does not offend the notion of retrospectivity prescribed by Article 7 of the European Convention on Human Rights. Article 7 of the Convention provides that -

“No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed.”

The rationale for them holding that it is not against the Convention is that we are dealing not with a criminal offence, but with a civil proceeding. So, as long as it is a civil proceeding, there are authorities in the European courts to the effect that it will not infringe the European Convention on Human Rights.

This is probably why there is a specific amendment in this Bill, section 3 subsection (5), which provides that -

“An application to the Court or a Judge under this Act shall constitute civil proceedings and be determined on the balance of probabilities.”

Of course, this is not conclusive, but, at least, it is an indication that Parliament intended proceeding under the Act to be qualified as civil proceedings. But, will that carry the day in court in Mauritius, unfortunately, Mr Speaker, Sir, nothing can be less certain. The reason for that, is, while doing my preparation for this intervention, I came across a case decided in 2008 by the Supreme Court: International Financial Services Ltd and the Mauritius Revenue Authority. In that case, which is a judicial review case, the court had to interpret section 161A of the Income Tax Act 1995. This legislation which became effective in 2000 had a provision which stated that offshore management companies would be taxed as a tax incentive company effective as from 01 July 1998. So, the Act became effective in 2000, but it provided that you will be subject to tax at 15% instead of 0% as far back as 01 July 1998. The Court observed that –

“The provisions of section 161A of the Income Tax Act 1995 were to the extent that they purported to impose a tax on the applicant’s income with retrospective effect as from 01 July 1998, violative of section 3 and section 8 of the Constitution.”

In that case, the recovery of the tax by the MRA was arguably civil proceedings. It was not criminal proceedings. Yet, the Supreme Court, in its wisdom, held that to confiscate, to impose a tax two years backward would be tantamount to a violation of our Constitution.

Moving to the next major amendment brought by the Bill, a new subsection 2A is being introduced in section 3. This new amendment would basically reverse the burden of proof. It states that -

“Where it is found that a person was in possession of any property and he did not have a legitimate source of income sufficient to justify his interest in the property, the onus would be on him, on the balance of probabilities, to show that the property was not derived from unlawful activity.”

This is, to my knowledge, the first time that we are introducing the notion of illicit enrichment or unexplained wealth where it is established that a person did not have a legitimate source of income sufficient to justify his interest in the property.

My first reaction, Mr Speaker, Sir, is: why limit this unjust enrichment, illicit enrichment, unexplained wealth, to only a civil proceeding to recover the asset? Why not criminalise it? Again, coming to the *Gros Dereck* saga; we know *Gros Dereck* was living in opulence. He had a fleet of cars. He enjoyed a standard of living which was not commensurate with his declared

income. This, in itself, should have raised suspicion of impropriety. So, why not criminalise illicit enrichment?

In fact, under the United Nations Convention Against Corruption to which we have acceded, Article 20 provides –

“Subject to its Constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.”

Fair enough! The Convention applied and was referring to public officials in the context of the fight against corruption, but why not extend the general concept of unexplained wealth generally as a presumption for criminalising? If you can't explain your wealth, you can't explain how you have such a big sum of money in your bank account, then, it becomes a criminal offence.

The next question is: why do we limit this amendment to sections 17 and 19 which deals with Confiscation Order? Why not extend this concept of illegal enrichment to Recovery Orders also which are non-conviction based recoveries?

While some of us fear, Mr Speaker, Sir, this clause is not far-reaching enough, there are those who will criticise it for reversing the burden of proof. It may be argued that this provision goes against the presumption of innocence which is enshrined in our Constitution. It is normally for the prosecution to prove the guilt of an accused party. However, under this new section, the burden is reversed. It is on the defendant now to show that his wealth is not illicitly acquired.

Again, this issue has been lengthily considered by the European Court of Human Rights and has been applied in several jurisdictions including England, Italy and Hong Kong. But, unlike the retrospective application, the answer with effect to reversal of burden of proof is not as straightforward. The consensus is that it will depend on proportionality. Reversal of burden is not prohibited as long as it is a proportionate response to the social problem being addressed. Before the European Court of Human Rights, there was an issue about the Italian mafia and it was shown that it was necessary to impose this reversal of burden in order to preserve the greater good and to fight against the mafia.

No doubt, the Courts in Mauritius will in due time be called upon to decide on the constitutionality or otherwise of this provision.

Mr Speaker, Sir, it serves no purpose to have the best legislation in place if it is not backed by resources. At the second International Association of Prosecutors Conference for Africa Indian Ocean region, the Senior Assistant DPP identified as the major obstacle to the running of the Asset Recovery Unit, the limited resources available to that Unit. I understand that at the moment the Asset Recovery Unit has only a skeleton staff of a dozen people or so. They don't have any Forensic Accountant nor any Crime Analyst.

Asset Recovery is highly technical and requires painstaking and meticulous investigation to track down the proceeds of a crime. You need to master the art of investigation. You need to be trained. Staff has to be properly trained and all this costs money. The unit must be properly manned. They need more resources, vehicles, hardware and funds. I will make a special appeal to the hon. Vice-Prime Minister and Minister of Finance who is, unfortunately, not here - I am sure he is busy preparing the Budget - to make a special effort in the coming budget to provide the necessary fund to the Asset Recovery Unit.

Mr Speaker, Sir, let it be known that when it comes to confiscation of assets and fights against crimes, the Opposition and the Government spoke in one voice.

Thank you.

(6.52 p.m)

The Minister of Housing and Lands (Dr. A. Kasenally) : Mr Speaker, Sir, allow me, at the very outset, to congratulate my friend and colleague, the hon. Attorney General for his commitment and initiative to enforce and facilitate the recovery of all assets that have fraudulently and wrongfully been appropriated.

The Asset Recovery (Amendment) Bill demonstrates the vision and willingness of our Government to go out of its way to combat corruption, drug trafficking, money laundering, transnational crimes and any other offences against the laws.

I have noted that most of the orators, and I appreciate very much people from the Opposition and Government, except one, of their remarks, especially hon. Baloomoody about his apprehension and constitutionality of certain clauses. As a layman, I am not in a position to pronounce on that and leave it to the experts. I must say that it has been fully ventilated so far.

The Asset Recovery Act was proclaimed in February 2012 with the objective to enable effective assets recovery to take place. The Act creates a comprehensive asset recovery

framework and provides for both conviction and non-conviction based recovery of assets and related matters. It prescribes the procedure to enable the State to recover the assets which are the proceeds or/and instrumentalities of crimes or terrorists' property. Depriving criminals of proceeds of their crimes is important in ensuring that a strong message is sent that the crime does not pay. The Government has enabled the law Enforcement Agents to carry out this function through the powerful provisions contained in the Asset Recovery Act 2011, which came into force in February 2012.

Mr Speaker, Sir, this legislation is being further strengthened by amendments to be brought to the Act. The rationale for recovery is ultimately to restore or compensate victims of the criminal acts and deprive criminals of the fruits of their crimes. It must be highlighted that the recovery of assets wrongfully acquired is a fundamental principle of the United Nations Convention Against Corruption. The benefit should not be viewed in only economic terms, but also in terms of enforcement of the rule of law. However, Mr Speaker, Sir, after some time of implementation, it has become imperative to make certain adjustments in order to render the law more effective, hence these proposed amendments to the Asset Recovery Act.

Mr Speaker, Sir, this Bill addresses the difficulties encountered by the Enforcement Authority and the law enforcement agent when dealing with cases where illegal properties have been acquired. The forfeiture of the crime-based assets will surely ensure that such properties are no further used for perpetuating criminal activities. The Asset Recovery (Amendment) Bill will provide the Court with the capacity to make unexplained wealth order in those cases in which there is reasonable suspicion that a person has engaged in serious crimes related activities and that person cannot lawfully account for the sources of the wealth. This will enable the law enforcement agent to be one step closer to dismantling the iniquitous enterprises of those suspects in avoiding confiscation of their properties. Those suspected criminals who have, so far, evaded confiscation with the existing framework can now be targeted as the Bill now provides for a retrospective confiscation for unlawful activities carried out within 10 years before the commencement of this Act.

Indeed, Mr Speaker, Sir, the main difficulty encountered is that the Enforcement Authority could not recover assets acquired prior to the enactment of the law and I have heard hon. Baloomoody expressing some concerns about whether this will be able to have the desired effect.

The amendment will, in addition to existing powers already availing to the Enforcement Authority, commence proceedings relating to property derived unlawfully to whom the property accrues. With these amendments, the processes are being made more effective. Financial investigations will pinpoint time and places where the suspect was and thus corroborate or discredit his investigation. They can also lead to discovery of other offences. It will also establish involvement in other crimes.

Furthermore, the Asset Recovery (Amendment) Bill now puts the onus on the person in whose possession the property is found, to whom the benefit accrued, to prove that the property or benefit was not obtained or derived from any unlawful activity. The person has now to establish that there is no causality between his assets and the criminal activity in which he is engaged.

Mr Speaker, Sir, the asset recovery is quite complex and requires specific training and expertise. This Bill proposes to use fund from recovered assets fund to provide training or other capacity building activity, as may be required by the Enforcement Authority for purposes of the Act. The amendments to orders enumerated in this Bill will serve to hold in abeyance all dealings and ascertain assets in which the defendant holds an interest in, pending the resolution of the crime against him. The order applies not only to assets in a specified person's control or possession at the time the order is made, but also to gift made directly or indirectly.

Mr Speaker, Sir, the amendment to the law manifests the unflinching determination of the Government to sanction those who unscrupulously and unlawfully enrich themselves from criminal activities to the detriment of the economy. If left unchecked, these activities may lead to significant resources being diverted away from productive economic activities in *société écran*, let alone tarnishing the reputation of our country in the international scene. Therefore, Mr Speaker, Sir, this Government wants to give a clear signal that there shall be no stone unturned to search and attack, so to say, the very root of money related criminal activities.

I fervently welcome this Bill, which demonstrates our willingness in maintaining the good reputation of Mauritius jurisdiction. These are serious amendments with serious consequences. I am sure the hon. Attorney General has ensured that there are safeguards with these provisions, with emphasis to the right of property, which is enshrined in our Constitution. I have no doubt that he will also take into consideration the comments made from Members of the Parliament.

I do find that there is a certain amount of apprehension about piercing the veil of secrecy set up by those with ill-gotten assets. These have become more and more sophisticated, but countermeasures can also be developed to contain these tricks, especially if we have a government which will not be deterred in the pursuit of justice and equity. The long arm of the law should be as penetrative as the devious manoeuvres of those with ill-gotten assets. There has also been doubt about the capacity of our judicial system to cope with all the mechanisms of gathering evidence against criminals. This should not act as an impediment to deliver justice. There should be no retreat, no surrender on this.

Mr Speaker, Sir, I have gone through all the sections of the Act. In no way I find that this Bill contains anything about issues of visiting arrested criminals at Plaine Verte Police Station. This is a very unfortunate remark made by an hon. Member, and I know he was having a swipe at me. But, Mr Speaker, Sir, I will keep the decorum of the House and will not go down to the putrid and acrid remarks.

Thank you, Mr Speaker, Sir.

(7.02 p.m)

Mr P. Jugnauth (First Member for Quartier Militaire & Moka): Mr Speaker, Sir, I stand to speak on this Bill as a man of conviction, who also believes that we should at all cost stage a war against those who are engaged in illicit activities such as drug trafficking, money laundering and who, by their ill doings, constitute a danger to society.

Mr Speaker, Sir, it is unquestionable that in a society that prides itself of being fair and just, those who commit unlawful activities should not be allowed to profit from their crimes. Instruments and proceeds of crime should be forfeited and used to compensate victims, whether it is the State or the individual, and the Asset Recovery Act seeks to attain this objective through deterrence of unlawful activity by removing the economic gain element from crime.

However, the proposed amendments to the Asset Recovery Act raise a number of fundamental issues which need to be carefully considered. Let us take the issue of retrospective effect. I do not have any problem with the aspect in as far as the objective of the Act is to track down the illicit activities over time. But, are the proposed amendments properly thought and drafted? Are they in line with our Constitution? I would like here to remind the House that

during the Second reading of the Asset Recovery Bill of 2011 which the hon. Attorney General had introduced, he stated, and I quote -

“The Bill will apply to any offence committed and any property obtained after the commencement of the Act and will, therefore, not have any retrospective effect.”

I consider that this approach was compatible with the basic legal principle that the legislator shall not make any *ex post facto* law, and that criminal law which provides for sanction and punishment should not be retroactive. It was, therefore, to my mind, and I suppose the hon. Attorney General then must have been advised that it was consistent with section 10(4) of our Constitution, which reads as follows -

“No person shall be held to be guilty of a criminal offence on account of any act or omission that did not at the time it took place constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.”

Consequently, section 3 (1) of the Asset Recovery Act provides –

“This Act shall apply with respect to any act done after the commencement of this Act that constitutes an unlawful activity.”

And section 3(2) provides –

“This Act shall apply to any proceeds or instrumentality derived or used or intended to be used after the commencement of this Act.”

So, with the proposed changes, paragraph 2(a) of the Explanatory Memorandum of the Bill before us provides that applications under the Act may also be made in respect of unlawful activities that are carried out within 10 years before the commencement of the Act.

The proposed amendments under clauses 4(a) and 4(b) of the Bill delete the words “done after the commencement of this Act” from section 3(1) of the Act, and the words “after the commencement of this Act” from section 3(2) of the Act. I see that clause 3(1) of the Bill then adds a new definition of unlawful activity under section 2 of the Act, which did not exist previously, and the proposed definition of unlawful activity –

“(a) means an act which constitutes an offence or some other contravention of the law - initially it was like that - and which is done after the commencement of this Act;”

Now there is another amendment which has been circulated, which is deleting this “which is done after the commencement of the Act”.

- (b) includes acquiring possession of property or deriving a benefit, as a result of or in connection with an act referred to in paragraph (a), at any time or not earlier than 10 years before the commencement of this Act.”

Mr Speaker, Sir, this definition of unlawful activity creates two distinct problems to my mind. Firstly, the act which constitutes the offence or contravention is committed after the commencement of the Asset Recovery Act under part (a) of the definition, whereas under part (b) the property of which possession is acquired or from which benefit is derived as a result of the offence or contravention committed after the commencement of the Asset Recovery Act, which also constitutes unlawful activity at any time or not earlier than 10 years before the commencement of the Asset Recovery Act.

So, simply deleting the words “after the commencement of this Act” under sections 3(1) and 3(2) of the Asset Recovery Act will probably suffice to create a possibility of going back in time to recover property, which has either been acquired or from which benefit is being derived as a result of the commission of an offence. As the proceedings for such recovery would be civil in nature, so we are told that there would have been no impediment in going back 10 years, which is the time limitation for civil proceedings to be undertaken. So, again I will join my colleagues, my friends who have spoken on the issue of constitutionality. I also have doubts whether this will stand the test of constitutionality. In trying to combat people involved in such a criminal and unlawful activity, I hope we are not going to end up with a situation – hon. Baloomoody has clearly described – where there will be a standstill because I can bet that, amongst probably the first few cases that will arise, we will have a case before the Supreme Court and probably that will go up to the Privy Council where the issue of constitutionality will be questioned.

Now, the apparent objective which is being sought is also confirmed by the proposed amendment in Clause 4(d) of the Bill to Section 3(5) of the ARA. Section 3(5) of the Act currently provides that, and I quote -

- “3. Application of Act

- (5) The Court or a Judge in Chambers required to determine any application under this Act shall do so on a balance of probabilities.”

It is now proposed that same be repealed and replaced, I quote -

- “4. Section 3 of principal Act amended
- (d) by repealing subsection (5) and replacing it by the following subsection –
- (5) An application to the Court or a Judge under this Act shall constitute civil proceedings and be determined on a balance of probabilities.”

Secondly, there is the new definition of unlawful activity.

- “Unlawful activity –
- (a) means an act which constitutes an offence or some other contravention of a law (...).”

The distinction between what constitutes a crime: a misdemeanour and a contravention are, as you know, defined under our Criminal Code and are distinguished by the severity of the sentence that is applicable. A crime is punishable by penal servitude whereas, at the other end of the spectrum, a contravention is punishable by imprisonment for a term not exceeding 10 days and/or a fine not exceeding 5,000 rupees.

May I also remind the House that, during the Second Reading of the Asset Recovery Bill of 2011, the Attorney-General then informed the House that the asset recovery framework will apply to all offences against the laws of Mauritius which are punishable by a maximum term of imprisonment of not less than 12 months? Indeed, this was embodied in the definition of an offence under section 2 - Interpretation of the Asset Recovery Act. Now the proposed amendment under Clause 3(1) of the Bill proposes to change that to a contravention which is punishable by imprisonment for a term not exceeding 10 days and/or a fine not exceeding Rs5000. So, in effect the Asset Recovery Act applies to crimes and misdemeanours but this Bill is going to change its applicability to include contraventions; therefore crimes, misdemeanours and contraventions which is far-reaching, very far-reaching. The proposed new definition of unlawful activity, in fact, drastically widens the scope of the Asset Recovery Act to include an

Act which constitutes some other contraventions of the law. This one-size-fits-all definition is simply to me inconceivable as it is too wide.

Mr Speaker, Sir, we have to be careful. What is a contravention? It can even amount to probably if you have a problem with any authority like the tax or even for road traffic, I don't know. Therefore, widening that definition to such an extent might lead to abuse. Be that as it may, this all-embracing definition will certainly infringe the principle of proportionality enshrined in Section 7 of our Constitution. It is trite law that there is no need to use a sledgehammer to crack a nut and such a definition will, according to me, not be justified because the impact on the individual is too severe.

Moreover, the ARA defines instrumentality as, and I quote –

“Instrumentality” means any property used or intended to be used in any manner to commit an offence;

“3. Section 2 of principal Act amended

(e) in the definition of “instrumentality”, by deleting the words “to commit an offence” and replacing them by the words “in connection with an unlawful activity”;

That goes back to the same problem that I have just mentioned with regard to definition of unlawful activity.

Again, I recall, Mr Speaker, Sir, that the Attorney General had also stated during the Second Reading that experience has been drawn from the operations of such law in other jurisdictions, including the United States and South Africa. The proposed definition, however, widens the scope of an instrumentality in a manner which is inconsistent with decided case law in the United States and South Africa.

Let me mention here, in the leading case of *United States v. Chandler* [1994] which has been applied in South African case law, the test for deciding whether or not property constitutes an instrumentality must take into account the following considerations –

- (1) the nexus between the offense and the property and the extent of the property's role in the offense;
- (2) the role and culpability of the owner;
- (3) the possibility of separating the offending property from the remainder.

In addition, other factors which must also be taken into consideration include, *inter alia* –

- (1) whether the use of the property in the offense was deliberate and planned or merely incidental and fortuitous;
- (2) whether the property was important to the success of the illegal activity;
- (3) the time during which the property was illegally used and the spatial extent of its use;
- (4) whether its illegal use was an isolated event or had been repeated; and
- (5) whether the purpose of acquiring, maintaining or using the property was to carry out the offense.

Therefore, Mr Speaker, Sir, in the light of all these, it is clear that any proposed definition of instrumentality must be reflective of the elements of the test and also be in line with our supreme law and the doctrine of proportionality within section 7 of our Constitution. The proposed definition of any property used or intended to be used in any manner in connection with the unlawful activity is again to my mind too simplistic and too wide ranging and, above all, may be used in a coercive manner in breach of the doctrine of proportionality.

It is also worth noting that, in the recent case before the Judicial Committee of the Privy Council – I am sure the Attorney General must be aware because, in fact, the DPP appeared himself – of *Aubeeluck v State of Mauritius* [2010]. The DPP accepted that the effect of section 7 of our Constitution was to outlaw wholly disproportionate penalties.

May I also remind the House that, in the circumstances, due caution, in fact, has to be exercised with this proposed amendment to the definition of instrumentality inasmuch as section 2 of our Constitution provides that -

“(...) if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void (...).”

Let me apprise the House, because we have drawn, I suppose, experience from other jurisdictions and, mainly, the United Kingdom. Their asset recovery falls under the Serious Organised Crime Agency since 2008. In fact, previously, there has been a fusion between the Assets Recovery Agency and the National Crime Intelligence Service. I found out, similarly, in Ireland, the asset recovery is conducted by a Division of the Police Force. In the United States, such recovery is conducted by the US Marshals and the role of the prosecuting authority is, in all these countries, in fact, independent from such activities in those jurisdictions. The only place, in fact, where I have tried to find some kind of similarity with ours is in South Africa, where the

National DPP's Office is involved in asset recovery activities but, again, the model that we are talking about is very different from ours. Therefore, the proposed amendments to the definitions of 'unlawful activity' and 'instrumentality' must also be considered in terms of the draconian effect that it may have on the ordinary citizens.

The Asset Recovery Act has already, in fact, conferred enormous powers to the DPP as Enforcement Officer under Section 4 of the Act. The DPP, over and above, having the discretionary powers to initiate, to take over and discontinue criminal proceedings under Section 72 of our Constitution also has its own team of Forensic Investigators, Law Enforcement Agents and Law Officers. The DPP, as Enforcement Officer, is also empowered to conduct civil recovery in cases of Non-Conviction Based Asset Forfeiture under this Act.

In addition, under section 4(3) of the Act, the DPP can exercise his powers to, for example, pay out funds recovered and expenses, including fees of professionals providing assistance under section 7(2) of the Act, apply for confiscation orders under section 17, apply for extension of a restriction order under section 33 and the proposals of the Bill to include now a wide definition of unlawful activity and instrumentality will, without any shadow of the doubt, lead to numerous unwarranted legal challenges which, I hope, will not defeat the purposes of what the House is trying to achieve. Therefore, in these circumstances, I would urge the hon. Attorney General - of course, he will explain to us. Probably, he will clarify these points, but I hope we have been careful enough so that the objectives - that have been fixed with regard to this instrument - are not defeated.

Let me end, Mr Speaker, Sir, by saying that laws can be amended, they can be revised, they can be revisited, new laws can be legislated, but most important is, of course, the political courage and the political commitment and the will. The war against drug traffickers, money launderers and planned illegal activities can only be won on these premises. I fully agree with what my friend, hon. Bodha, has said. I think since we, Government, Opposition, want to track down those criminals, I do not see the reason why we should not have a Commission of Inquiry on drugs, as has been done in the past. Let people come, let people depone and let there be, as a result, action taken to show that there are concrete measures that are being taken to fight this evil.

Thank you, Mr Speaker, Sir.

(7.25 p.m.)

The Prime Minister: Mr Speaker, Sir, I am not going to repeat the very valid points made by the hon. Attorney General and others in the House with regard to the amendments being proposed, but I wish to stress the importance of these amendments which, as is explained in the Memorandum, has been found to be necessary in the light of the implementation of the Act.

Mr Speaker, Sir, the Government is leaving no stone unturned in the fight against criminal activity in this country. It must be pointed out that, to deal effectively with crime, we are continuously reviewing the relevant legislative, institutional and administrative framework. We are also continuously reviewing the operation and capabilities of our law enforcement agencies in order to improve their effectiveness. It has always been the policy of my Government to provide Law Enforcement Agencies with modern, effective and efficient tools and equipment in the fight against crime. Our whole approach to crime has had to be drastically redefined in recent years as crime, today, has become increasingly organised and sophisticated and is often run as a business enterprise.

The particular features of such criminality vary but, classically, involve both corruption and violence. The cross-jurisdictional nature of offences makes it impossible for one country to fight organised crime alone. Combating crime now, requires a coordinated joint response from countries working together, and we have seen many examples of this.

Modern Electronic Banking enables vast sums of money to be transferred at a click of a button in a matter of minutes. Criminals now operate in a sophisticated, ruthless manner and keep away from any direct involvement in the criminality. They are never present when drugs are being handled, they are never present when money is being transferred, but they tend to remain in the background. They also have access to the best professional advisers, including in the legal field. Recent experience has taught us, Mr Speaker, Sir, that those dealing in drugs, in particular, use all kinds of schemes to disguise and launder the proceedings, their proceeds being very much alive to the fact that, today, banks and other financial institutions are under an obligation to carry out due diligence and report suspicious transactions. These are some of the modern challenges to fighting organised crime.

One of the most effective strategies to address the challenges is to follow the money trailer - somebody mentioned. It is the money trail that is to be followed and strike the criminal where it hurts most, that is, the asset recovery regime. It is for this reason, Mr Speaker, Sir, that in April last year, we passed the Asset Recovery Act which came into operation on 01 February

of this year. This Act provides a comprehensive asset recovery framework and legal procedure for the recovery of assets in order to reinforce the fight against crime, including transnational crime and to recover the proceeds and instrumentalities of crime, that is, ill-gotten gains.

The asset recovery mechanism reinforces not only our criminal justice system, but also the whole justice system generally. In the sense that, in addition to the prosecution of offenders, the procedure of assets recovery attacks criminality at its main root by deterring people from committing crimes involving monetary gains, given that any tainted property they acquire, may be taken away from them, even when there is no prosecution or conviction. The use of restraint powers stops criminals from using the ill-gotten gains and dissipating their assets. The money is, thus, preserved for any confiscation proceedings. Civil recovery powers enable us to target the proceeds of crime without embarking on a criminal process. Proper enforcement of criminal orders deprives organised criminals of their assets gained through such acts of criminality. The aim must be to ensure that criminals do not benefit through their criminal acts.

Mr Speaker, Sir, the Enforcement Authority, established under the Asset Recovery Act under the jurisdiction of the Director of Public Prosecutions, is operational as from February of this year. I must say, only February of this year, already 50 cases, mostly drug-related offences have been referred to the Authority and not less than 15 restraining orders have been applied by the Authority and granted by the Court, and it is at the request of the Enforcement Authority.

In the light of experience acquired, as I was mentioning, in the implementation of the Asset Recovery Act that we are coming forward with this piece of legislation to buttress and enhance the asset recovery regime.

First and foremost, Mr Speaker, Sir, is the amendment to allow the Enforcement Authority to make applications for the restraint and confiscation of the proceeds acquired in the course of unlawful activities carried out up to 10 years prior to the commandments of the Act.

Mr Speaker, Sir, I understand the points raised, especially by hon. Baloomoody. They are very valid points that we have to be careful. Let me assure the House that we have had lots of consultations with our lawyers before deciding on this course. Even before the Bill was brought to the House, there was a question of whether we should adopt this saying that prior to the 10 years, we thought maybe not, but we have seen what is happening. It has been found necessary to close all the loopholes that the accused try to use to evade revealing how the assets were obtained. The answer is: that was before the Act. So, you see, it is a long procedure. So,

it is better that we have extended the casting net going back 10 years and this is what is done in other jurisdictions, not just in Mauritius. In the UK, as hon. Baloomoody himself said.

Another important amendment being proposed concerns the reversal of the burden of proof in the application of confiscation orders. In other words, the burden will be on the party found in possession of any property, or found to have derived a benefit from an unlawful activity to satisfy the Court that on a balance of probabilities, the property which is the subject matter of the proceedings was not obtained from an unlawful act.

It is further proposed to strengthen the composition of the investigative agency by providing for a Chief Investigating Officer who will submit the conclusions of the investigating agency to the enforcement authority and to provide for better cooperation and coordination among relevant public Bodies. The proposed amendment will enable the Enforcement Authority to act as a liaison Authority, coordinating with both investigatory and supervisory Authorities for better cooperation in order to detect the proceeds of crime.

Mr Speaker, Sir, I quite understand some of the apprehensions that have been raised, and we know what happens usually. We expect people will go and try to challenge to gain time. One of the reasons is to gain time, and the other one, try to find all sorts of things. But we are prepared, we have looked at it very carefully and we are sure that we are on firm grounds.

Mr Speaker, Sir, with this piece of legislation we are sending a stronger and clearer signal to those who thrive on ill-gotten gains that we shall be merciless and ruthless in the fight against crime, especially drug trafficking and money laundering. I always say, Mr Speaker, Sir, that my Government will act without fear or favour and that is what we intend to do. We feel we are on strong grounds. We know, we have examined it very carefully. We have looked at all, we have not spoken just to one person, there is an array of lawyers who have looked at that and we are prepared to stand the ground and see what happens.

Thank you, Mr Speaker, Sir.

(7.33 p.m.)

Mr Varma: Mr Speaker, Sir, I would like to thank hon. Members, particularly the Prime Minister, who have intervened on this very important piece of legislation.

Mr Speaker, Sir, the main issue that has been raised in the House today by Members of the Opposition, namely, the Third Member for Grand River North West and Port Louis West, the

Second Member for Port Louis Central and Port Louis South, the First Member for Moka and Quartier Militaire and the First Member for Vacoas and Floreal. In fact, it is a Constitutional issue and they have referred to Section 10 (4) of the Constitution. I would like to quote the relevant section -

“No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.”

Mr Speaker, Sir, the retrospective effect is not in relation to an offence which did not exist 10 years before the commencement of the Act. The retrospective effect is in relation to the property of a convicted person that he may have acquired unlawfully and it is not against the person. I repeat, Mr Speaker, Sir, the retrospective effect is against the property and not against the person. That is, there is a civil burden of proof and it is not a criminal one.

Mr Speaker, Sir, the Constitution prohibits the leveling of a criminal charge against a suspect, which at the time of the commission of the act, subject matter of the criminal charge does not constitute an offence. The objective of the Asset Recovery Act is to reinforce the legal arsenal with a view to effectively combating unlawful activity through recovery of assets obtained or derived by a person following a conviction for an offence by a court of law.

Mr Speaker, Sir, there was another point raised by the hon. Third Member for GRNW and Port Louis West as regards the fair hearing. Indeed, the fair hearing will depend on a case to case basis and it should be decided by the court. It will be up to the person to show or to inform the court that his rights are being infringed and it will be for the court to decide whether the hearing is fair or not.

I believe the Second Member for Port Louis South and Port Louis Central raised the issue about whether documents would have been lost in relation to the property in question. But, in fact, Mr Speaker, Sir, as the law will now stipulate, the burden will be on the person to show how he acquired the property and this is the case in Mauritius, in other pieces of legislation that I highlighted earlier on.

Mr Speaker, Sir, there was another point which was raised by the hon. Third Member for Constituency No. 1, as regards freezing of assets, which, of course, does not directly relate to the

Bill before the House today, but I would like to inform him that the main Act, that is, the Asset Recovery Act provides for the repealing of sections 45 and 45(a) of the Dangerous Drugs Act. It means that the freezing of assets as from the commencement of the Act will not apply. It will apply to those before.

Mr Speaker, Sir, as regards the point about deprivation of property, Section 8 of the Constitution is clear on that –

“No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where –

(a) The taking of possession or acquisition is necessary or expedient in the interests of defence, public safety, public order, public morality, public health (...).”

I think it fits squarely within the provision of the Constitution.

Mr Speaker, Sir, there was another point raised about evidence gathered in the course of an investigation. Indeed, this will be by affidavit evidence and it will be for the court to decide whether to accept such evidence. And this amendment is, by no means, trying to tie the hands of the court in that it should mandatorily accept such evidence.

The point raised by the hon. First Member for Quartier Militaire and Moka regards contravention, Mr Speaker, Sir. What we have inserted in the Bill, in the definition of “unlawful activity” is a contravention of the law which means to contravene the law. We are not saying a contravention as described under the Criminal Code. It is contravention of the law.

Mr Speaker, Sir, I think that I have replied to all the major points raised by hon. Members and, again, I think this is a very important piece of legislation in our fight against fraud and corruption.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

(7.52 p.m.)

At this stage the Deputy Speaker took the Chair.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

THE ASSET RECOVERY (AMENDMENT) BILL

(NO. XXIV OF 2012).

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (Section 2 of principal Act amended)

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

Mr Varma: Sir, I move for the following amendment –

“In clause 3, in paragraph (i), in the definition of “unlawful activity”, in paragraph (a), by deleting the words “and which is done after the commencement of this Act”.”

Amendment agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (Section 3 of principal Act amended)

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

Mr Varma: Sir, I move for the following amendment –

“In clause 4, in paragraph (c), in the proposed new subsection (2A), by deleting the words “balance probabilities” and replacing them by the words “balance of probabilities”.”

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Clause 6 (Section 5 of principal Act amended)

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

Mr Varma: Sir, I move for the following amendment –

“In clause 6, in paragraph (b), by deleting the word “Investigation” and replacing it by the word “Investigating”.”

Amendment agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 to 27 ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

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

Third Reading

On motion made and seconded, the Asset Recovery (Amendment) Bill (No. XXIV of 2012) was read the third time and passed.

ADJOURNMENT

The Prime Minister: Mr Deputy Speaker, Sir, I beg to move for the adjournment of the House to Friday 09 November 2012 at 5.00 p.m.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

MATTER RAISED

MAURITIUS WOMEN'S FOOTBALL CLUBS - PROMOTION

Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River): Mr Deputy Speaker, Sir, I am sure that everybody in this House will agree that football is a very popular game in Mauritius. For quite some time, this sport was practised by men only but, since the past ten years, women have shown a keen interest in football all over the world; Mauritius is no exception. Actually in Mauritius there are eighteen female football clubs, eight of which are in the First Division and ten in Second Division and in Rodrigues there are eighteen female football clubs, nine of which are in the First Division and nine in the Second Division. It is sad to note that in spite of the fact that there is a *Commission Nationale du Sport Féminin*, very little

encouragement has been given to the female football clubs. At a time when we are talking of equal opportunities and gender equality, there is an enormous gap between the recognition by the Ministry of Youth and Sports between men's football clubs and women's football clubs. Whilst men's football clubs have strong financial support from the Ministry of Youth and Sports, women's clubs survive solely on a meagre grant of Rs20,000 per season from the Mauritius Football Association. Men's football clubs get funds as follows per season –

- (i) around Rs1 m. for the Premiership clubs;
- (ii) Rs500,000 for the Division I clubs, and
- (iii) around Rs350 for the Division II clubs.

Due to lack of training, funds and appropriate support at the last *Commission de la Jeunesse et des Sports de l'Océan Indien (CJSOI)* games which were held in Comoros Island in July last where six Island Nations participated, our junior national female football team did not win a single match. There has been no structured preparation and planning for our female football team to participate in the games. The only support which was given by the Ministry only two months before the games was food and refreshment. Those who were selected from Rodrigues for participation in the national female football team did not participate in the training at all as the Ministry made arrangements for them to come to Mauritius on the eve of the departure to Comoros Island.

Mr Deputy Speaker, Sir, you will surely appreciate that there is a difference between *sport collectif* and *sport individuel*. Football is a *sport collectif* and the Ministry should have appreciated the fact that training of the national team was a must *si Maurice voulait faire figure honorable et mettre toutes les chances de son côté*. So, there was no team spirit and no team training at all. Other islands such as Seychelles and Comoros provided all facilities and sustained support to their national female football team.

Mr Deputy Speaker, Sir, the president of FIFA, Mr Sepp Blatter, is giving much importance to women football and keeps saying that, and I quote –

“The future of football is feminine.”

Given that there is so much interest in football amongst young girls in Mauritius, and in my constituency we have around 14 football clubs, as I said, I would request the hon. Minister of Youth and Sports to -

- (i) set up at least one national football training centre for women that would produce trained youth players to feed up clubs. I wish here to draw attention that the François-Blaquart National Technical Centre at Réduit caters only for young boys in the age categories of 15 to 20;
- (ii) to increase the budget of the *Commission Nationale de Sports Féminins*, so that it can participate in friendly matters between Indian Ocean Islands and at the same time give a fair share to female football, and
- (iii) that government makes available to MFA a specific yearly ground for the promotion of women football.

Mr Deputy Speaker, Sir, I am making these proposals on the eve of the presentation of the Budget. When we talk of gender equality, we mean gender equality in all spheres, including sports. I am sure that, *dans un souci d'égalité des genres*, these proposals can surely be included in the Budget.

Thank you, Mr Deputy Speaker, Sir.

The Minister of Youth & Sports (Mr S. Ritoo): Mr Deputy Speaker, Sir, the practice of sports in general among the female population is lower compared to the male population. Only about 23% of women practice sports of their preference on a regular basis compared to about 41% among the male population.

As regards the practice of football, it is still less popular among women. To give a boost to this sport, my Ministry in collaboration with the Mauritius Football Association has launched a series of programmes and activities, whereby more and more young girls are being encouraged to participate. These include the FIFA Grassroots Project, the Football for Health Programme launched in all primary schools, the Mini Soccer and Street Football Festivals organised throughout the island, and the Saturday Football League Tournament, which enlisted the participation of, at least, 10 girls' football teams this year.

In addition, through the *Commission Nationale des Sports Féminins*, our National girls' football team is provided on and off the opportunity to play friendly matches at regional level.

I may, however, wish to draw the attention of the House that, as per section 4(2) of the Sports Act, the promotion and development of any particular sports rest with the respective

sports federation, and in this case the Mauritius Football Association, while my Ministry only acts as a facilitator.

I just wish to clarify the House, Mr Deputy Speaker, Sir, that regarding the football team that participated in the last CJSOI Games at Comoros, it was girls below 17 years of age. The six Rodriguan girls who represented Mauritius could not attend any training session in Mauritius, as they were taken up with their studies in Rodrigues. Obviously, when we asked the coach, he said that the girls would be able to come only on the eve. I could have made available the air tickets much earlier, but it was not possible.

Regarding coaching, it all depends upon the coach who has been designated by the Mauritius Football Association. At the level of my Ministry, we don't *ingérer* into who is going to coach the National football team; it is the coach who prepares the training programme of the football team.

As far as my Ministry is concerned, we act as facilitator for all demands. For example, regarding the First Division football team of the men side, it is a demand made by the Mauritius Football Association for the football team. So, if tomorrow, the Mauritius Football Association comes up with a demand for the girls, which is more of a financial support nature, obviously my Ministry might consider.

Thank you, Mr Deputy Speaker, Sir.

At 8.05 p.m. the Assembly was, on its rising, adjourned to Friday 09 November 2012 at 5.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

NATIONAL RESILIENCE FUND - BENEFICIARIES

(No. B/639) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the National Resilience Fund, he will, for the benefit of the House, obtain from the Fund, information as to –

- (a) the opening balance thereof as at 01 January 2012;
- (b) since 01 January 2012 to date, the total amount of funds injected therein
- (c) the amount of funds disbursed, indicating in each case the –
 - (i) names of the beneficiaries thereof, and

- (ii) purpose therefor,
- (d) the names of the officers who dealt therewith, and
- (e) the proposed deployment of the balance of funds available as at date, indicating the reasons for low drawdown.

(Withdrawn)

ROSE HILL MARKET - CONSTRUCTION

(No. B/640) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the Rose Hill market, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to if it is in a bad state and, if so, indicate if consideration will be given for the construction of a new modern market.

(Withdrawn)

STC - PETROLEUM PRICING STRUCTURE

(No. B/641) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the petroleum pricing structure, he will, for the benefit of the House, obtain from the State Trading Corporation, since the introduction thereof to date, information as to the aggregate amount of money received from the sale of petroleum products representing the –

- (a) *Maurice Ile Durable* Levy;
- (b) contribution to the Road Development Authority;
- (c) contribution to Rodrigues transportation and storage;
- (d) provision for hedging, and
- (e) if consideration will be given for a review thereof.

Reply: As regards part (a) of the question, I am informed by the State Trading Corporation that the *Maurice Ile Durable* Levy in the price structure of petroleum products was introduced in June 2008. Initially it was fixed at 15 cents per litre, but was subsequently increased to 30 cents per litre in November 2010. According to the State Trading Corporation, the total amount collected in respect of the *Maurice Ile Durable* Levy stood at Rs1.08 billion as at 30 September 2012 and has been paid to the Mauritius Revenue Authority.

As regards part (b) of the question, I am further informed by the State Trading Corporation that the total amount collected by the Corporation in respect of the contributions to the Road Development Authority since its introduction in September 1990 to September 2012 amounts to Rs5.01 billion. This sum has been paid to the Road Development Authority.

With regard to part (c) of the question, according to the State Trading Corporation, an amount of 5 cents per litre is collected by the Corporation on Mogas, Gas Oil and Dual Purpose Kerosene (DPK) for inland trade as from September 2000. The total amount collected from September 2000 to September 2012 is Rs237.3 m. and has been paid to the Rodrigues Division of the Prime Minister's Office through the Accountant General.

As regards part (d) of the question, I am informed by the State Trading Corporation that an amount of Rs1.50 per litre was included in the Price Structure of Mogas and Gas Oil under the item "Provision for Hedging" in January 2008. The amount was subsequently increased to Rs 3.00 per litre in November 2008 on both products.

However, in April 2011, the amount in the Price Structure was decreased to Rs 1.25 per litre for Mogas and Rs1.00 per litre for Gas Oil.

According to the records of the State Trading Corporation, the total amount collected from January 2008 to September 2012 is Rs 4.19 billion.

SIR SEEWOSAGUR RAMGOOLAM BOTANIC GARDEN – TASK FORCE

(No. B/642) Mr M. Seeruttun (Second Member for Vieux Grand Port and Rose Belle) asked the Minister of Agro-Industry and Food Security whether, in regard to the Sir Seewoosagur Ramgoolam Botanic Garden, he will, state if his Ministry has carried out an inquiry on the state thereof and, if so, indicate the findings thereof and the remedial measures taken, if any, and if not, why not.

Reply: Following representations on the infestation of the Giant Water Lily pond by the Golden Apple Snail at the Sir Seewoosagur Ramgoolam Botanic Garden, I did more than just an enquiry. In fact, I set up a Task Force with a broad term of reference to look into the management of the Garden. The Task Force comprises Senior Officials of the Entomology Division, Conservation and Forestry Departments of my Ministry and experts from other

institutions including a representative of the Ministry of Environment and Sustainable Development.

The enlarged Terms of Reference of the Task Force are as follows –

- (i) to take stock of the shortcomings at the Garden;
- (ii) to take immediate actions as deemed appropriate;
- (iii) to monitor actions taken, and
- (iv) to recommend appropriate measures for the short, medium and long term.

The Task Force made the following recommendations for immediate implementation –

- (i) to use physical methods to control the Golden Apple Snail;
- (ii) stop the use of river water in the ponds;
- (iii) survey of all trees infested with termites and initiate control measures;
- (iv) initiate action for the regeneration of the Water Lily, and
- (v) maintenance of the water canals in the garden.

Accordingly, several actions have already been undertaken as follows –

- (i) a systematic control of the Golden Apple Snail by the physical methods;
- (ii) drainage of contaminated water in the pond and replenishment with fresh borehole water;
- (iii) immediate stoppage of water from the river into the pond;
- (iv) use of borehole water in the pond;
- (v) the Entomology Division has taken appropriate action for termites control, and
- (vi) logistic support has been provided by the Ministry for effective maintenance of the Garden, including the water canals.

I am advised that the Task Force is in its final stage of finalising its report.

I am satisfied with the works being carried out, and I am informed that the Giant Water Lilies have already started regenerating.

ICT ACADEMY - SETTING UP

(No. B/643) Mr M. Seeruttun (Second Member for Vieux Grand Port and Rose Belle) asked the Minister of Information and Communication Technology whether, in regard to the project for the setting up of an ICT Academy, he will state where matters stand.

Reply: In July 2011, Government approved the setting up of a Government owned company to operate an ICT Academy in Mauritius with a view to addressing the acute problem of mismatch and shortage of ICT professionals which was not allowing the sector to develop as it should.

According to the National ICT Strategic Plan 2011-2014, an additional workforce of 15,000 persons is required by end 2014 to successfully position the ICT sector as a major pillar of the economy.

The National ICT Training Centre Ltd, with Government holding 52% of the shares and State Informatics Ltd 48%, was incorporated on 14 October 2011 under the business name 'ICT Academy'.

On 05 April 2012, the Ministry of Finance and Economic Development approved a loan of Rs 3m. to the ICT Centre of Excellence for the start of its operation.

The ICT Centre of Excellence is now ready to operate and will facilitate the following ICT Industry-led courses shortly -

- (a) the Workforce Development Programme from Oracle University and the Microsoft Academy;
- (b) the Accenture Open Education Pilot Programme;

This pilot programme is co-created with one of the world's leading technology institutions, the Massachusetts Institute of Technology (MIT), USA. The programme aims at giving school leavers and recent graduates the skills and knowledge they require to be successful as entry level IT professionals in ICT companies.

I am pleased to inform that registration for this programme will start as from 08 November 2012 and the kick-off is scheduled on 01 December 2012.

The Board of the ICT Centre of Excellence is actually finalising modalities to run the above programmes.

**MUNICIPAL COUNCILS - LORD MAYOR, MAYORS & COUNCILLORS -
OVERSEAS MISSIONS**

(No. B/644) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Local Government and Outer Islands whether, in regard to the overseas missions undertaken by the Lord Mayor, Mayors and Councillors of the Municipal Councils, since October 2005 to date, he will, for the benefit of the House, obtain from the Municipal Councils, a list thereof, indicating in each case the -

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

Reply: Similar information requested and pertaining to period October 2005 to 2010 had been compiled and had already been placed in the Library of the Assembly. I am, nevertheless, placing a copy in the Library.

As regards the information for the period 2010 to date, same is being updated and will be placed in the Library as soon as the exercise will be completed.

MUNICIPAL COUNCILS - BUDGET DEFICITS

(No. B/645) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Minister of Local Government and Outer Islands whether, in regard to the Municipal Councils, he will, for the benefit of the House, obtain therefrom, information as to their respective cumulative budget deficits as at date, indicating the remedial measures that will be taken, if any.

Reply: I am informed that the Municipal Councils of Port Louis, Quatre Bornes, Curepipe and Vacoas/Phoenix have had no budget deficits as at to date except the Municipal Council of Beau Bassin/Rose Hill which had budget deficits as follows –

- (i) for year 2009, an amount of around Rs7 m.;

- (ii) for year 2010, an amount of around Rs14 m.;
- (iii) for year 2011, an amount of around Rs17 m., and
- (iv) for year 2012, an amount of around Rs18 m.

I am informed that for the year 2009 the Council obtained a loan of Rs7 m. from the Ministry of Finance and Economic Development to offset the deficit, whereas for the other three years the Council was able to manage the deficits by a better recovery of debts and arrears, a reduction in expenditure. Steps have already been taken to improve the financial situation of all local authorities through stricter financial and fiscal discipline, avoidance of wastages, reduction of unnecessary costs and the elaboration of a Grant-in-Aid formula. It is worth noting that the financial situation of local authorities had worsened because they were instructed to bear part of cost of PRB 2008 to their employees.

MAURITIUS – PETROLEUM HUB

(No. B/646) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the development of Mauritius into a petroleum hub, he will state -

- (a) if a prior study was carried out in relation thereto and, if so, indicate the -
 - (i) date thereof, and
 - (ii) names of the consultants therefor, and
- (b) how and why was the site of Pointe aux Caves chosen to house the facility in connection therewith?

(Withdrawn)

RICHE TERRE - JIN FEI PROJECT

(No. B/647) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Jin Fei Project at Riche Terre, he will state the -

- (a) amount of Foreign Direct Investments injected therein;
- (b) number of jobs created for Mauritian nationals, and
- (c) amount of money invested by Government in terms of -
 - (i) road infrastructure;
 - (ii) drains;
 - (iii) sewerage;
 - (iv) water infrastructure and network, giving details thereof in each case.

(Withdrawn)

STRAY DOGS - DISPOSAL METHOD

(No. B/648) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Agro-Industry and Food Security whether, in regard to the stray dogs, he will state -

- (a) if the methods used by the Mauritius Society for the Prevention of Cruelty to Animals for the disposal thereof are in line with the international humane disposal standards, and
- (b) obtain from the Veterinary Council of Mauritius, information as to if it has queried the disposal method used therefor, and asked for a report thereon, and if so, the outcome thereof.

(Withdrawn)

COUGH MIXTURES – IMPORTATION & DISTRIBUTION

(No. B/649) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to the cough mixtures containing codeine and codeine-derivatives, he will state -

- (a) if they are readily available in public hospitals, and
- (b) the policy of his Ministry for the issue of import permits therefor to the private sector, indicating the -
 - (i) protocol for the distribution thereof by the importers and to the individual pharmacies, and
 - (ii) monitoring effected, if any, for the prevention of dispensing abuse by the pharmacies.

(Withdrawn)

METHADONE SUBSTITUTION THERAPY - COMPLAINTS

(No. B/650) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Minister of Health and Quality of Life whether, in regard to the Methadone Substitution Therapy, he will state the number of patients following same, since the introduction thereof to date, indicating the number of complaints registered in connection therewith and the outcome thereof.

Reply: The Methadone Substitution Therapy Programme was introduced in Mauritius in November 2006 following a decision taken by the hon. Prime Minister at a meeting of the National AIDS Committee on 27 April 2006. As at 22 October 2012, 5314 beneficiaries were under the methadone substitution therapy.

Furthermore, I am informed that about ten complaints have been received and some incidents at the sites of dispensing were also reported to my Ministry. Most of these complaints and incidents concern the gathering or loitering of the methadone beneficiaries in the vicinity of a few dispensing sites after they have taken their daily dose.

In my reply to Parliamentary Question No. B/417 at the sitting of 03 July 2012, I mentioned the measures taken by my Ministry to address the issues raised in the complaints. These include -

- (i) the installation of CCTV cameras at all fixed dispensing sites;
- (ii) the installation of guardrails at crowded dispensing points;
- (iii) the enlistment of the services of Peer Leaders to ensure that methadone beneficiaries do not loiter around the dispensing sites after taking their dose;
- (iv) the extension of the dispensing time at dispensing sites with high rates of attendance from 06 00 hours to 12 hours instead of from 06 00 hours to 09 00 hours as was the case previously, and
- (v) the reinforcement of security with the posting of additional Police Officers and more regular patrols at all dispensing points.

In addition, as I stated in my reply to the same Parliamentary Question, the hon. Prime Minister instructed that the support of a team of experts from Geneva be sought to review the method of distribution of methadone in Mauritius. I am pleased to inform the House that a team

of experts from the World Health Organisation and the *Hôpitaux Universitaires de Genève* will be in Mauritius from 19 to 30 November 2012 to assess the situation and make recommendations regarding the method of distribution of methadone.

SHORT MESSAGE SERVICES & MULTI MEDIA MESSAGING SERVICE - REVENUE

(No. B/651) Mr N. Bodha (First Member for Vacoas & Floreal) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the tax on Short Message Services and Multi Media Messaging Service, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the amount thereof collected since the introduction thereof to date.

Reply: I am informed by the Mauritius Revenue Authority that the amount of tax collected on Short Message Services and Multi Media Messaging Service for the five and half months since its introduction on 15 January 2012 and up to 30 September 2012 was Rs53.6 m.

HARBOUR BRIDGE PROJECT - BIDDING EXERCISE

(No. B/652) Mr J.C. Barbier (Second Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Harbour Bridge Project, he will state -

- (a) the outcome of the bidding exercise carried out in relation thereto, and
- (b) if the alignment of the road has now been finalised.

Reply: I am informed that the bidding exercise for the Public private Partnership Road Decongestion programme, which includes the construction of the Harbour Bridge has not been completed yet. The bidders have submitted their Best and Final offer Response (BAFO) on 23rd October 2012 at the Central Procurement Board and the evaluation exercise will start shortly.

As regards part (b) of the question, the reply is in the affirmative.

NEOTOWN PROJECT - IMPLEMENTATION

(No. B/653) Mr J.C. Barbier (Second Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Neotown Project, he will state where matters stand as to the implementation thereof.

Reply (The Minister of Housing & Lands): I wish, in the first instance, to refer the hon. Member to the replies made to Parliamentary Question Nos. B/452 and B/550 of 03 July 2012 and 17 July 2012 on the issue wherein it was indicated, *inter alia*, that the waterfront development project is an integrated project comprising, *inter alia*, the construction of a hotel, boardwalks and marine gardens, a tourist heritage centre, a luxury condominium complex with a boutique hotel, a marina club, apartment complex, office buildings, shopping malls, office campus, tourist attractions and entertainment facilities. A detailed report was also given on the infrastructural works being carried out on the site.

A recent site visit has revealed that the onsite infrastructural works are progressing.

Furthermore, in June 2012, the promoter submitted preliminary plans for the development of residential apartments on the site. A number of discrepancies have been noted and the company has been requested to submit amended plans in August 2012.

The promoter has also been requested to submit a schedule of implementation in accordance with the provisions of the Lease Agreement clearly indicating the proposed development for period 2013-2015 and to expedite matters regarding the onsite infrastructural works.

LABOUR LAWS - AMENDMENTS

(No. B/654) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the employees, he will state -

- (a) the number thereof whose employment has been terminated, since the coming into force of the Employment Rights Act to date, on a yearly basis, and
- (b) if the proposed amendments to the labour laws have now been finalized and if so, indicate when same will be introduced.

Reply (The Minister of Education & Human Resources): According to records at the Ministry of Labour, Industrial Relations and Employment, the number of employees whose employment has been terminated with effect from 02 February 2009, date of promulgation of the Employment Rights Act, is as follows -

February 2009 – December 2009	-	4461
2010	-	4291
2011	-	5320
2012 (up to September 2012)	-	4810
TOTAL	-	18,882

As regards part (b) of the question, after various working sessions with the Attorney General's Office, the Ministry has received the draft Employment Rights (Amendment) Bill and the Employment Relations (Amendment) Bill and is proposing to introduce same in the National Assembly as soon as Cabinet's approval is obtained.

CPE – REVIEW

(No. B/655) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Education and Human Resources whether, in regard to the Certificate of Primary Education, he will state where matters stand as to the implementation of the declared policy for the phasing out of the present format thereof.

Reply: In my reply to Parliamentary Question B/26 made on 22 March 2011, I highlighted that my Ministry has been working on a 'Review of the CPE' and the improvement of the performance at CPE such that the child acquires the basic knowledge and essential learning competencies (ELCs) needed to attempt the examination with success after 6 years of schooling and possess the required foundation for further studies at the secondary level.

I wish, therefore, to point out that my Ministry has not made any policy statement on the phasing out of the CPE in its present format. This is confirmed in the Education and Human Resources Strategy Plan, 2008-2020 which enunciates that "The CPE examination in its present form will consequently remain in place until such time that, in the light of the various measures proposed and the determination of their impact, consideration is given to its overall review."

I have to inform the House that a National Consultative Forum was held on 19 December 2011 with all the stakeholders of the education sector on the Review of the CPE. Following discussions at the Forum, five major themes were identified. Accordingly, five Working Groups were set up to fine tune the several views and define the modalities for the implementation of measures proposed during the National Forum. The Working Groups dealt with –

Working Group	Theme
A	Review and De-loading of Curriculum
B	Review of Paper Design and Format
C	Review of Assessment and Automatic Promotion
D	Reinforcement of Pedagogy and Remedial Education
E	Selection and Allocation of Seats

The Working Groups which comprised representatives from different stakeholder organisations worked on the assignment, culminating in the submission of a report by each group. A Committee at the level of my Ministry examined the reports to ensure consistency and coherence in the different recommendations.

A summary of the recommendations with clear cut measures that may be implemented in the immediate/short term, medium term and long term has been worked out and are being discussed at the level of the Ministry to see the implications thereof.

With a view to further discussing, analysing and validating the various findings and recommendations and evolving consensus, a full-fledged National Forum will shortly be held (December 2012) with all stakeholders concerned. An implementation time frame for period 2013-2015 will also be elaborated.

POINTE AUX SABLES - MORCELLEMENT GHURBURUN

– BUS SERVICE

(No. B/656) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit,

Land Transport and Shipping whether, in regard to the route to and from *Morcellement* Ghurburun, Pointe aux Sables and Port Louis, he will, for the benefit of the House, obtain from the National Transport Authority, information as to if consideration will be given for the advisability of providing adequate bus services therefor during peak hours.

Reply: I wish to inform the House that the region of Pointe aux Sables is served by Triolet Bus Service on route 51 (Port Louis – Pointe aux Sables). 60-seater buses are operating as from 05.45 up to 19.45. Extension services at average intervals of 30 minutes are also provided to *Morcellement* Pic Pic, which is situated at a distance of 1 km from the bus terminal of La Pointe.

Morcellement Ghurburun is a housing settlement comprising approximately 200 houses and is found at a distance of 1.5 km from the bus terminal. No bus service exists there. The inhabitants usually walk over a distance of 500 metres up to *Morcellement* Pic Pic to catch buses.

The road leading to *Morcellement* Ghurburun is narrow. The Triolet Bus Service is agreeable to extend its services up to the *Morcellement* provided that the road is enlarged and a proper reversing point is identified.

It is to be noted that over the years, Pointe aux Sables, La Tour Koenig and its vicinity have developed considerably. Consequently, this has impacted on the demand and supply side of public transport.

The existing bus stand, which is situated on the road itself (B31), has become totally inadequate to cope with the high frequency of buses. The Traffic Management and Road Safety Unit and the National Transport Authority have already identified a plot of land along Petit Verger Road for the creation of a bus station. The National Development Unit will be requested to execute the project as soon as possible.

Additionally, I wish to inform the House that the Road Development Authority is contemplating the possibility of widening the main road from Petite Rivière to Pointe aux Sables along the (B31) road.

TAMARIN - FIRE STATION - CONSTRUCTION

(No. A/272) **Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Local Government and Outer Islands whether, in regard to the project for the construction of a new Fire Station in Tamarin, he will, for the benefit of the House, obtain from the Government Fire Services, information as to when it will be implemented and be operational.

Reply: I am informed by the Fire Services Department that the project for the construction of a new Fire Station in Tamarin is expected to be completed by mid-December 2012. Thereafter, the new Fire Station will have to be furnished and equipped prior to becoming operational.

BEL OMBRE – FOOTPATH - CONSTRUCTION

(No. A/273) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the village of Bel Ombre, he will state if there is a project for the installation of sidewalks thereat, as it is being done in the vicinity thereof, including the villages of St Martin and Baie du Cap.

Reply: The Road Development Authority has scheduled the construction of footpath along the Black River-Savanne Road Coast Road [B9] at Bel Ombre for next year.

The first phase of the proposed project will be implemented from the Cemetery towards the football playground over a length of about 500 metres.

ICTA – CHAIRMAN & BOARD DIRECTORS – OVERSAS MISSIONS

(No. A/274) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Information and Communication Technology

whether, in regard to the Information and Communication Technology Authority, he will, for the benefit of the House, obtain from the Authority, since 2005 to date –

- (a) a breakdown of travel and related expenses incurred in respect of the;
 - (i) Executive Director thereof;
 - (ii) Chairperson thereof;
 - (iii) Board Directors thereof, and
 - (iv) Permanent Secretary and other officers of the Ministry of Information and Communication Technology, and
- (b) information as to the total expenses incurred in sponsorship of events, indicating the benefits derived therefrom.

Reply: The Information and Communication Technologies Authority (ICTA) has provided the details with respect to part (a) of the question (documents laid in the Library).

The Ministry of Information and Communication Technology acts as the Administration of Mauritius *viz* international organisations in the ICT sector such as the International Telecommunication Union (ITU), African Telecommunications Union (ATU) and the Commonwealth Telecommunications Organisation (CTO), and has been contributing to the annual membership fees in respect thereof. The ICTA, as the technical arm of the Administration of Mauritius, benefits from the membership to these international organisations. The Ministry as well as the ICTA participate in the international conferences organised by the latter.

As regards part (b) of the question, the ICTA has provided the expenses incurred for the sponsorship of events (documents laid in the Library), and has informed that the benefits derived from the ICT-BPO International Conferences are as follows –

- (i) Mauritius has been featured in the World Economic Forum Report in April 2012, thus giving visibility to the ICT sector of Mauritius;
- (ii) Mauritius has established strong links with the Broadband Commission established under the International Telecommunication Union, which has, in September 2012, also reported in a case study the experience of Mauritius in the broadband plan formulation;
- (iii) Mauritius was featured, on 24 October 2012, in a report in the Outsourcing Magazine of Australia under the title Mauritius: the thinking person's ICT-BPO island, written by Martin Conboy, President of Australian Process Outsourcing Association. This again has given visibility to the ICT sector of the country;
- (iv) BPO operators such as Infosys, Ceridian, Euro-CRM, amongst others, have diversified their activities in Mauritius thus leading to more job creation in the ICT-BPO sector, and
- (v) World renowned companies in ICT, such as Hewlett Packard (HP), have signed up with companies in Mauritius for the purpose of skill development and training in ICT.

CWA - RECRUITMENT

(No. A/276) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Water Authority, he will, for the benefit of the House, obtain therefrom, information as to the names, address, job description and salary drawn by the employees thereof recruited, since 2010 to date.

Reply: The information is being placed in the Library.

CEB - RECRUITMENT

(No. A/277) Mr R. Uteem (Second Member for Port Louis South and Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain therefrom, information as to the names, address, job description and salary drawn by the employees thereof recruited, since 2010 to date.

Reply: I am tabling the requested information.

ADOLPHE DE PLEVITZ SSS – PAINTING WORKS

(No. A/278) Mr A. Gungah (First Member for Grand’Baie & Poudre d’Or) asked the Minister of Education and Human Resources whether, in regard to the Adolphe de Plevitz State Secondary School in Grand’Baie, he will state if he has been informed that the external walls thereof need to be repainted and, if so, if remedial measures will be taken.

Reply: I am informed that the painting of the external walls of the Adolphe de Plevitz State Secondary School has been soiled by dust emissions due to ongoing construction works at Grand’Baie La Croisette Project and needs a fresh coat of paint. In this respect, tender documents for external painting works are being finalised. Should everything proceed smoothly, works are expected to start this December year and will be of duration of eight weeks

PETITE RIVIÈRE - HOUSING PROJECT

(No. A/279) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Housing Project at Petite Rivière, he will, for the benefit of the House, obtain from the National Empowerment Foundation, information as to -

- (a) the number of houses under construction, indicating;
 - (i) the size thereof;
 - (ii) cost thereof;
- (b) if same will be provided with pavements and public lighting, and
- (c) the procedure for the allocation of the houses.

Reply: The National Empowerment Foundation was consulted and has informed that 59 houses are under construction at Petite Rivière under the Integrated Housing Project. The housing unit, of an extent of 30.3 m², is estimated at Rs350,000.

According to the scope of works, the construction of pavements and provision of public lighting are included in the project.

The selection of prospective beneficiaries will be based on the list to be generated by the Social Register of Mauritius.

MONT ROCHES & BARKLY YOUTH CENTRES - ACTIVITIES

(No. A/280) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mont Roches and Barkly Youth Centres, he will state if same are operational, indicating -

- (a) the number of staff attached thereto;
- (b) the activities organised for end of the year festivities, and
- (c) if equipment for indoor and outdoor activities are available thereat, and if so, give details thereof.

Reply: The Mont Roches and Barkly Youth Centres are both fully operational.

(a) Personnel -

One Youth Officer and one Caretaker are posted to each Centre and they work under the supervision of a Senior Youth Officer and a Principal Youth Officer

(b) Activities scheduled for November and December 2012 -

Mont Roches Youth Centre-

1. Community Based Activities, including football tournament, Petanque, *salon culinaire*, quiz/scrabble, playstation competition and *chasse aux trèsors*.
2. Leisure activities at Le Waterpark.
3. *Week-End Récréatif* for deprived children at Casela and Flic en Flac Outdoor Centre.
4. Slam competition.
5. Youth leaders gathering.

Barkly Youth Centre -

1. Fun day.
2. Beach games.
3. Workshop on HIV/AIDS at Flic en Flac Outdoor Centre.
4. Youth Leaders gathering
5. *Animation vacances*, including indoor activities, karaoke, *Atelier Artisanal* and *Ciné Débat*.

(c) Equipment available -

1. PCs with internet connection.
2. Indoor games, including Carom Boards, Scrabble and Domino.
3. Petanque pitch and sets
4. Fitness equipment.
5. Basket ball pitch.

MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY AND REFORM INSTITUTIONS - MEDICAL UNIT

(No. A/281) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the Medical Unit of her Ministry, she will, since July 2007 to date -

- (a) give a list of the medical practitioners attached thereto, indicating the

- (i) number of domiciliary visits effected by them to the ex-servicemen, and
(ii) amount of money paid thereto, on a yearly basis, and
(b) state the number of domiciliary visits effected by the Director thereof to the ex-servicemen, indicating the amount paid thereto.

Reply: With regard to part (a) of the question, the details are as such –

Doctor	July to Dec. 2007	January to Dec. 2008	January to Dec. 2009	January to Dec. 2010	January to April 2011	Year 2012
Dr L. Jodhun	73	166	144	128	56	
Dr. Raffick Peerbux	63	152	145	118	77	
Dr. Massood Peerbux	20	44	52	39	26	0
Dr. D. Jeewoonarain	108	317	267	205	110	0
Dr.(Mrs) A. Naraidoo	14	100	133	80	38	0
Dr. M. Bahadoor	44	220	290	289	152	0
Dr. S. Rambarun	122	538	625	617	256	0
Dr. B. Beeharry Panray	0	0	10	19	22	0
Dr T. Lalljee	36	0	130	77	155	0

As regards part (a)(ii), please note that the Ministry is not aware of the amount of money paid as the payment was made directly by the ex-servicemen to the doctors.

As regards part (b), it is to be noted that the Director of the Medical Unit did not effect any visits to the ex-servicemen during the period mentioned.

CITÉ MARTIAL, PORT LOUIS - DRAIN WORKS

(No. A/282) 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 Cité Martial, Port Louis, in Constituency No. 3, Port Louis Maritime and Port Louis East, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to -

- (a) the reasons for the stoppage of the drain works being carried out at Maigrot Street at the level of House K27, indicating if same will be resumed and extended to the level of House K30, and
- (b) if the pavements situated at Latanier Street, between its junction from Impasse Macao and Canal Bathurst Street, are in a bad state, indicating if same will be reinstated and canals provided thereat.

Reply: I am informed by the City Council of Port Louis that the drain works over a length of 40 metres were carried out in 2011 along Maigrot Street, *Cité Martial* up to house K27. However, there was no need to continue the work up to house K30 as the topography facilitates proper drainage.

With regard to part (b) of the question, I am informed that -

- the concrete pavements along Latanier Street between its junction from Impasse Macao and Canal Bathurst Street have been damaged as most of the inhabitants park their vehicles thereon;
- although the pavements have become undulated, they do not represent a risk to pedestrians;
- the Council is proposing to fix bollards at intervals of 1.5 metres to prevent parking of vehicles, and
- the pavements will be reconstructed upon availability of funds.

ROCHE BOIS - FOOTBALL GROUND - LIGHTING

(No. A/283) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Youth and Sports whether, in regard to the football playground, known as La Plaine Dragon, at Allée Tamarin, Roche Bois, he will state if he has

been informed of the absence of lighting thereat depriving the inhabitants of the opportunity of playing football after sunset and, if so, indicate if consideration will be given for the installation of flood lights thereat.

Reply: A court case has been entered against Government about a dispute over the ownership of the land of an extent of 6,930 m² presently being used as a football playground situated at Allée Tamarin in Roche Bois.

Pending a court judgment in the matter, no major infrastructural works can be carried out on the football playground.

However, in order not to penalise the inhabitants willing to play football after sunset, the above ground has been included among the football grounds which will shortly be provided with lighting facilities.