



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 12 JULY 2016

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THE CABINET

(Formed by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC)

Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Deputy Prime Minister, Minister of Tourism and External Communications
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Vice-Prime Minister, Minister of Energy and Public Utilities
Hon. Pravind Kumar Jugnauth	Minister of Finance and Economic Development
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Youth and Sports
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Health and Quality of Life
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Local Government
Hon. Prithvirajsing Roopun	Minister of Social Integration and Economic Empowerment
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Technology, Communication and Innovation
Hon. Ravi Yerrigadoo	Attorney General
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Santaram Baboo	Minister of Arts and Culture
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Mrs Marie-Aurore Marie-Joyce Perraud	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sudarshan Bhadain, GCSK	Minister of Financial Services, Good Governance and Institutional Reforms

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Social Security, National Solidarity and Reform Institutions
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development and Disaster and Beach Management
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training

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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 16 of 2016

Sitting of 12 July 2016

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

PAPERS LAID

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

A. **Prime Minister's Office** –

- (a) Certificate of Urgency in respect of the Protection of Elderly Persons (Amendment) Bill (No. XV of 2016). (In Original)
- (b) The Civil Aviation (Amendment) Regulations 2016. (Government Notice No. 139 of 2016)
- (c) The Rodrigues Regional Assembly (Allowances and Privileges) (Amendment of Schedule) Regulations 2016. (Government Notice No. 146 of 2016)

B. **Ministry of Finance and Economic Development** –

- (a) The Customs Tariff (Amendment of Schedule) Regulations 2016. (Government Notice No.138 f 2016)
- (b) The Investment Promotion and Protection Agreement (Republic of Côte d'Ivoire)) Regulations 2016. (Government Notice No. 140 of 2016)
- (c) The Investment Promotion and Protection Agreement (Democratic Republic of Sao Tomé and Principe) Regulations 2016. (Government Notice No. 141 of 2016)

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

The Private Health Institutions (Fees) Regulations 2016. (Government Notice No. 142 of 2016)

D. **Ministry of Local Government** –

- (a) The Municipal Council of Quatre Bornes (Fair) (Amendment) Regulations

2016. (Government Notice No. 143 of 2016)

- (b) The Municipal Council of Curepipe (Fees for Classified Trade) (Amended) Regulations 2016. (Government Notice No. 144 of 2016)

E. **Ministry of Arts and Culture** –

The National Heritage Fund (Amendment of Schedule) (No. 3) Regulations 2016.
(Government Notice No. 145 of 2016)

ORAL ANSWERS TO QUESTIONS

RIGHTS OF PERSONS WITH DISABILITIES - UN CONVENTION

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the persons and children with disabilities, she will state -

- (a) the measures being taken in Mauritius pursuant to the recent publication of the Report of the United Nations Committee on the Rights of Persons with Disabilities (CRPD), indicating when the -
 - (i) reservations to the Convention on the Rights of Persons with Disabilities will be withdrawn;
 - (ii) Optional Protocol to the said Convention will be ratified, and
 - (iii) discriminating provisions in the Constitution of the Republic of Mauritius in relation thereto will be repealed;
- (b) the budgetary provisions agreed upon in the forthcoming budget in relation thereto -
 - (i) in respect of the Non-Governmental Organisations, and
 - (ii) for the provision of inclusive schools, and
- (c) when the Disability Bill will be introduced in the House.

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo): Madam Speaker, with your permission, I shall in reply to this Private Notice Question also be answering to the Parliamentary Question No. B/737 as it deals with the same subject matter.

As the House is aware, Mauritius signed the UN Convention on the Rights of Persons with Disabilities in September 2010 and ratified it in January 2010. By virtue of our being a State Party to that Convention, Mauritius has to ensure compliance with provisions of that Convention in terms of promotion of rights of persons with disabilities.

There is an existing protocol which allows the UN agency to monitor the degree of compliance of the State Party in terms of its obligations towards the application of the

provisions of the Convention. Within that established framework, Mauritius submitted its initial State Party Report in April 2012 wherein Government gave an account of actions taken with a view to aligning with the requirements of the Convention. This report was the subject of an examination at the level of the UN Committee of Experts on the Rights of Persons with Disabilities.

Subsequently, in accordance with the calendar established by the UN, Mauritius was invited in August 2015 to discuss the contents of the report. I led a delegation to Geneva. During the Interactive Working Session with the UN Committee of Experts, the latter expressed appreciation in respect of the following -

- the fruitful dialogue that took place between the UN experts and the members of the Mauritius delegation;
- the substantial increase in the social budget in support of persons with disabilities;
- the launch of a database on disability;
- the enactment of legislation to prohibit harassment on the basis of disability at the place of work, and
- the report of Mauritius was prepared in accordance with the UN Reporting Guidelines and has been presented within the prescribed time limit.

However, the UN Committee made a number of observations and recommendations, the main ones being the removal of the following reservations on the Convention -

- (i) reservation on Article 11 concerning situations of risk and humanitarian emergencies. This Article stipulates that States Parties shall take all necessary measures to ensure protection and safety of persons with disabilities in situations of risk, involving situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

When Mauritius signed the Convention in 2007, a reservation was put on this Article as at that time no provision existed in law for the safety of persons with disabilities in situations of risk and humanitarian emergencies. This has now been remedied by the enactment of the National Disaster Risk Reduction and Management Act. In fact, section 16 (2) of the Act provides for the safe evacuation of 'persons at risk' which include persons with disabilities. Therefore, persons with disabilities are catered for and the reservation may be

removed. In consultation with the Ministry of Environment, Sustainable Development, and Disaster and Beach Management, steps will be taken on this Article;

- (ii) removal of reservation on Article 9.2 (d) concerning accessibility to buildings.

This Article stipulates that State Parties should, and I quote –

“Provide in buildings and other facilities open to the public signage in Braille and in easy-to-read and understand forms;”

The Ministry of Public Infrastructure and Land Transport has already finalised draft Building regulations in consultation with my Ministry and disability activists. These regulations provide for universal design requirement in respect of new buildings and buildings under major renovation works. Provision is also being made for signage in Braille to become an inescapable requirement. As soon as these regulations are promulgated, actions will be initiated for the removal of the reservation.

- (iii) removal of reservation on Article 24.2 (b) about inclusive education. This Article stipulates that State Parties shall ensure that persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others.

Mauritius has a parallel system in education provision. Historically, it is NGOs which have started providing services to children with disabilities. Over time, this practice has continued, so much so that there are still a large number of special schools being run by NGOs and to which Government provides a range of assistance.

With a view to ensuring parity of esteem, since 2006 Mauritius has officially adopted a policy of inclusive education, and I am informed that the Ministry of Education and Human Resources, Tertiary Education and Scientific Research has taken a number of measures to gradually allow for the integration of children with disabilities in mainstream education, the main ones being –

- (i) all new schools are required to be fitted with access facilities such as ramps, adapted toilets and so on;
- (ii) teachers are being trained in Special Needs Education by the Mauritius Institute of Education;
- (iii) 14 integrated units have been set up in a number of schools to accommodate children with severe disabilities;

- (iv) assistive devices such as wheelchairs and hearing aids are provided to children with disabilities;
- (v) transport costs are refunded by the Disability Unit of the Ministry of Social Security, National Solidarity and Reform Institutions;
- (vi) in the Nine-Year Schooling Project, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research is ensuring that the project captures properly the element of inclusive education.
- (vii) At secondary and tertiary levels already, there is a full inclusion of students with disabilities. As a result, it is proposed after consultation with the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, to find out whether the conditions are gathered for a formal submission to be made to the UN agency for the removal of this reservation.

As regards part (a) (ii) of the question, I have to inform the House that, as soon as the reservations are removed, Mauritius will proceed with the ratification of the Optional Protocol, to which we are already a signatory member.

Madam Speaker, regarding part (a) (iii) of the question, the Government Programme 2015-2019 spells out Government's commitment to proceed with a constitutional amendment to remove any form of discrimination on the basis of disability. Much ground has been covered so far and a draft Constitutional Amendment Bill is nearing finalisation in consultation with the Attorney General's Office. In the same breath, consideration is being given to the two observations made by the UN Committee of Experts concerning sections 34 and 43 of the Constitution.

As regards part (b) of the question, I am informed by the Ministry of Finance and Economic Development that there have been already several rounds of discussions on support to NGOs and in particular for special needs education in the context of the Budget 2016-2017. However, at this stage, it will not be appropriate to announce any measure and their respective budgetary provisions in respect of the outcome of these discussions prior to the presentation of the Budget.

I have had consultation with the hon. Minister of Finance and Economic Development with regard to proposals of my Ministry. The hon. Minister of Finance and Economic Development has shown much concern and has been very positive in his approach. So, I can assure the House that consideration is being given for support to persons with disabilities in the next Budget.

As regards part (c) of the question, I wish to inform the House that my Ministry has been actively working on the draft Disability Bill, which aims at promoting and protecting the rights of persons with disabilities, eliminating discrimination against them, and incorporating the provisions of the UN Convention on the Rights of Persons with Disabilities. The Attorney General's Office has already given its preliminary vetting in respect of the draft Disability Bill.

After official consultations held with Ministries and Departments concerned in May and June this year, the draft Disability Bill will shortly be submitted for its agreement in principle to Cabinet before the document is shared with a broader spectrum of stakeholders, involving NGOs, disabled people organisations, disability activists, the Opposition parties and the civil society at large. After this process, the draft Bill will be finalised with the Attorney General's Office before its introduction in the National Assembly.

Mr Bérenger: Madam Speaker, I thank the hon. Minister for a lot of information provided to the House and through us to the country. But, surely, she will agree with me that the tone which she has adopted is very positive, very optimistic, whereas the tone of the report from the UN is damning. I would use a stronger word than 'damning', but it is damning. So, have the main recommendations - some of which have already been approved from what I have just heard - been brought to the attention of Cabinet, and does Cabinet disagree with any of the main recommendations made in the UN report?

Mrs Jeewa-Daureeawoo: Well, the UN Committee is an independent organisation which promotes the rights of persons with disabilities in all countries which have signed and ratified the Convention on the Rights of Persons with Disabilities. Its mission is to see to it that the best mechanism is put in place in all member countries to respond to the needs of persons with disabilities. However, we have to understand that each Member State country has its own constraints with regard to financial resources. But, to reply to the hon. Leader of the Opposition, we have not yet brought the recommendations of the UN Committee to Cabinet.

Mr Bérenger: I am a bit surprised that one main criticism and recommendation has not been mentioned by the hon. Minister from what I heard, and that is employment of disabled people. Can I read paragraph 37 -

“The Committee is concerned that the quota of 3% of the workforce composed of persons with disabilities only applies to the private sector and remains inadequately enforced.”

This is very forceful and very negative, very damning, in fact, as I said.

Can I know from the hon. Minister what measures are going to be taken on this score when we remember that, a few days ago, on 28 June, there was PQ No. B/588 and no figures were provided at all? Can the hon. Minister provide us with figures of the actual employment of disabled people in the private sector, where it should be 3% by law and in the public sector where the law does not provide for it, but, surely, Government must show the good example?

Mrs Jeewa-Daureeawoo: Well, private companies are very reluctant to ensure full compliance of the quota of 3%. However, a committee on employers have been set up to look into the matter. The committee has launched sensitisation campaigns. Sensitisation campaigns are being carried out twice monthly to give an insight of the Training and Employment of Disabled Persons Act to the employers. At the same time, we are appealing to employers to do an effort to employ people with disabilities. We are also providing them with CVs of people with disabilities and urging them to make an effort to employ these people. At the same time, we have to realise that the quota of 3% is not abiding on Government. However, I am working in close collaboration with the Minister of Civil Service and Administrative Reforms, Minister of Environment, sustainable Development, and Disaster and Beach Management, hon. Alain Wong Yen Cheong, to see to it if Government also can make an effort to employ more people with disabilities. However, we have to admit that with regard to employment in the Civil Service, we do not make a distinction with regard to people with disabilities and abilities, they are treated equally.

Mr Bérenger: Madam Speaker, I am glad to have heard that Government is going to withdraw the reservations which we had expressed in the past concerning the Convention. I hope we do not waste time. I was a bit disturbed by the words used: ‘may be removed’. Then the hon. Minister said that action is being taken on the ratification of the additional protocol, which allows individuals in the country to make complaints to the Committee. Can I know whether this is going to come at last? I am glad to hear amendments to those parts of the Constitution, but also, what the Committee calls ‘*derogatory language*’, ‘*insulting language*’ in relation to handicapped people in different pieces of legislation. I heard the Minister say

that this is being worked upon urgently. But, at least, can we have a date when this additional protocol allowing individuals to complain to the Committee will be ratified?

Mrs Jeewa-Daureeawoo: Well, I think we will have to work on the recommendations first. It is only then that we will be able to ratify the protocol.

Mr Bérenger: Madam Speaker, as far as education is concerned, which is my special concern right now, can I know whether the hon. Minister has well noted the following –

“The Committee is concerned about the over reliance of the State party on NGOs to provide specialised services to children with disabilities without the necessary support, monitoring and regulatory guidance for these NGOs.”

These are very strong words.

I am sure the hon. Minister is aware that what is being done for the education of handicapped children, *c'est un scandale*. We should be spending more on the education of handicapped children than children who are in good health and we are spending much less. Can I insist, in the forthcoming Budget, that we must increase both the money going to NGOs, give them the means of doing what Government asks them to do, but also, increase the budgetary provisions for inclusive schools?

Mrs Jeewa-Daureeawoo: Well, I understand that, at present, the budget of NGOs granted to the Ministry of Education is about Rs60 m. The budget allotted to my Ministry with regard to NGOs is about Rs19 m. About Rs12 m. is being spent at the level of my Ministry with regard to NGOs which take care of children with disabilities. Our aim is moving towards an inclusive education. It is true to say that our educational institutions should be ready to accommodate children with disabilities in the mainstream education system. I understand that the Ministry of Education is in the process of creating more special integrated units in the mainstream education institution in an attempt to enabling children with disabilities to benefit for an inclusive education. We need to succeed in removing the disparity between children with disabilities and children with abilities with regard to education.

Mr Bérenger: Can I ask the hon. Minister whether she has had the opportunity of discussing two urgent situations with her colleagues, the Minister of Education and Human Resources, Tertiary Education and Scientific Research and the Minister of Finance and Economic Development, where a recent organisation for autism children, as we know, has been forgotten by everybody until recently? Now, there is more and more awareness on that

problem of children with autism. The *ONG Autisme Maurice* is on the point of closing the few schools that it is running and so on. *Ils sont au bout du rouleau.*

Secondly, has she discussed with the Minister of Education and Human Resources, Tertiary Education and Scientific Research the transfer of the nine APEIM schools where we have 254 children with disabilities? Those nine schools are supposed to be taken over by *le Bureau d'Education Catholique*. This has been agreed, and yet, this has been going on since 2014. Has she discussed with her colleague to effectively give the required funds, because that has been dragging on for two years now?

Mrs Jeewa-Daureeawoo: First of all, let me say that NGOs play a vital role in the promotion of social and community development. Their activities are spread all over the island. They come up to the rescue of people from all walks of life. *Le gouvernement ne peut tout faire. Nous avons besoin de nos partenaires privilégiés tels que les ONG, le secteur privé et la société civile.*

Government appreciates the effort made by NGOs to contribute effectively to the development and well-being of persons with disabilities. That is why we are doing all our best to strengthen this institution. Indeed I have spoken to my friend, hon. Mrs Dookun-Luchoomun, who is in charge of Education. Everything is being done at the level of her Ministry to see to it that BEC takes over those schools.

To add, Madam Speaker, at the level of my Ministry, we take care of about 45 NGOs. 35 NGOs are concerned with children with disabilities. Well, if we have a look at the NGOs Audited Report of 2014, one can see that most of the NGOs have a surplus; out of the 35 NGOs only 9 is in a deficit situation. The rest is doing quite well. But as has been rightly said by the hon. Leader of the Opposition, we have to give all the necessary support to NGOs. I fully agree; we are a caring Government; we are doing the needful to give all the necessary support to NGOs, but with regard to *Autisme Maurice*, I have been given to understand that, up to now, *Autisme Maurice* has not made a request for financial assistance to my Ministry. Last year, it applied for an *ad hoc* support. This has been taken care of, but I do understand that financial assistance is being given to *Autisme Maurice* through the Ministry of Education and Human Resources, Tertiary Education and Scientific Research.

Mr Bérenger: May I ask the hon. Minister whether she does not agree with me that what we should do urgently - we are talking about education of handicapped children, of a humane treatment of autistic children; we don't know how many there are, there are no

figures - the first thing to do is a full survey, to know how many handicapped children are in schools, how many are not receiving any education and how many autistic children we have in Mauritius? There are no figures and we need urgently a survey to know what we are really dealing with.

Mrs Jeewa-Daureeawoo: Yes, I fully agree with the hon. Leader of the Opposition. This is my concern too. I have discussed this issue with my colleague, hon. Mrs Dookun-Luchoomun. Well, I think we will have to ask for a survey so that we can know the number of autism in Mauritius. As such, we will know what are the concrete actions to be taken for their well-being, support and protection.

Mr Bérenger: If I can have a last one on the last part of my question, the Disability Bill. I am sure she is aware that the report is critical of the draft so far; not of the whole draft, but parts of the draft, especially they are critical –

“The Committee recommends that the State party reconsider clause 11 of the draft Disability Bill and renounce to the creation of integrated units in schools (...)”.

And so on and so on. When finalising the Disability Bill, are the strong criticisms of the Committee being taken on board?

Mrs Jeewa-Daureeawoo: Well, I am still working on this issue.

Madam Speaker: Hon. Uteem.

Mr Uteem: Thank you, Madam Speaker. The Committee was very critical about protection afforded to children with disabilities against corporal punishment and sexual abuse. So, may I know from the hon. Minister what precise measures have been taken by her Ministry to ensure protection of children with disabilities against possibility of sexual and other form of physical abuse?

Mrs Jeewa-Daureeawoo: This is being taken care of by my colleague, the hon. Minister of Gender Equality, Child Development and Family Welfare.

Madam Speaker: Hon. Osman Mahomed!

Mr Mahomed: Thank you, Madam Speaker. With regard to budget provisions for NGOs and inclusive schools, I fully understand the reason why the hon. Minister is not able to disclose, but would the hon. Minister be able to consider the following.

Insofar as Occupational Therapists are concerned, the Ministry of Education is currently paying a contribution of Rs10,000 a month, whereas the market value for a fully qualified full time therapist is Rs20,000 a month and this is a vital service for children to fully integrate into society eventually. Can the hon. Minister recommend that this cost be fully met by Government so that this vital service does not suffer for small NGOs not being able to meet the additional Rs10,000 monthly?

Mrs Jeewa-Daureeawoo: Well, I take note of the suggestion of the hon. Member and I will discuss it with my colleague, hon. Mrs Dookun-Luchoomun.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: I am sure the hon. Minister must know that in our National Pensions Act, Section 8 provides that a person shall be qualified to receive an Invalidity Basic Pension when he has reached the age of 15 and is under the age of 60.

Therefore, somebody having reached the age of 60, is not entitled to the Basic Invalidity Pension. Can I ask the hon. Minister whether this particular section of the law should not be reviewed to allow people reaching the age of 60 to continue being paid their Invalidity Basic Pension in case that pension is higher than the old age pension?

Mrs Jeewa-Daureeawoo: At the age of 60, the Basic Invalidity is swapped to Basic Retirement pension. However, if I may add there is a disparity with regard to pension paid to a child with disabilities who is below 15 and that paid to a child with disabilities who is above 15. In fact, as per the National Pension Act, a person is eligible for Basic Invalidity Pension only if he has reached the age of 15 and is under the age of 60. But I wish to reassure the House that I am not insensitive to the plight of those children.

In fact, one of the main priorities of this Government is the well-being of vulnerable people, including children with disabilities. In December 2015, we had increased the pensions. Children with disabilities, who are below the age of 15, now are being paid only a Carer's Allowance, which we all know is means tested under the Social Aid Regulations. They are each drawing a Carer's Allowance of about Rs2,972 monthly. Over and above that allowance, they are benefitting from an additional allowance of Rs450 if they are bedridden and in cases of incontinence, an allowance of Rs450 is being paid.

In the course of discussions held prior to the forthcoming Budget, I have made a proposal to the hon. Minister of Finance and Economic Development to see to it if children

with disabilities below the age of 15 can benefit from Basic Invalidity Pension. The Minister of Finance and Economic Development has taken good note of this suggestion.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: According to Article 24 of the Convention, when it comes to education, those with disabilities should have the same facilities without discrimination and on equal basis with others. The hon. Minister just mentioned that transport is being refunded, but is she aware that the transport is being refunded because these children cannot travel by bus and they are only refunded the bus transport, not the appropriate transport which they use to go to University or colleges? Can I ask the hon. Minister whether she will review the refund and make sure that they are refunded the proper cost of the transport and not the bus transport which they cannot use?

Mrs Jeewa-Daureeawoo: We are looking at that too.

Madam Speaker: Hon. Fowdar!

Mr Fowdar: Madam Speaker, in regard to the criteria of 3% for employment of disabled persons, can I ask the hon. Minister whether this applies to the State-owned companies and parastatal bodies and whether she has checked whether they are complying with this 3% criteria?

Mrs Jeewa-Daureeawoo: No.

(Interruptions)

For State-owned companies, yes!

Madam Speaker: Hon. Leader of the Opposition!

Mr Bérenger: To end, can I appeal through the hon. Minister to Government - we are in a very special situation. This year we are celebrating the 10th anniversary of that Convention for the Protection of the Rights of the Disabled.

Secondly, we have a number of NGOs that are *au bout du rouleau*, as I said earlier on, and thirdly, we've just had a damning – with due respect to the hon. Minister who is doing her best – UN report a few months back. Can I, through the hon. Minister, appeal to Government that we do something special for specially the education of handicapped children in the forthcoming Budget?

Mrs Jeewa-Daureeawoo: First of all, let me thank the hon. Leader of the Opposition to have come up with this PNQ because it is the concern of one and all. I wish to reassure the House that our Government is working relentlessly to promote the welfare and well-being of people with disabilities. We are also working towards protecting their rights too. We have the interest of people with disabilities at heart. We will leave no stone unturned to make our society a better place and at the same time do what has to be done so that we can promote the rights of persons with disabilities and protect them as much as we can.

Madam Speaker: Time is over! The Table has been advised that PQ No. B/715 in regard to the ship MV Benita will now be replied by the hon. Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands. PQ No. B/720 in regard to the use of over-the-counter chemicals for the production of highly dangerous drugs will now be replied by the hon. Minister of Health and Quality of Life. PQ Nos. B/713 and B/716 have been withdrawn. Hon. Uteem!

VEHICLES - FALSIFIED HORSEPOWER CERTIFICATES - ENQUIRY

(No. B/712) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the recently detected cases of falsified horsepower certificates, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of -

- (a) persons who have been arrested and/or prosecuted in connection therewith as at to date, and
- (b) vehicles which have been seized in connection therewith.

The Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that as at 07 July 2016, 493 cases of falsified horsepower certificates were being enquired into by the Police and 37 persons have been arrested and released on bail, so far.

Out of the 493 cases, 489 are still under enquiry and 4 cases have been referred to the DPP for advice. Consequently, no legal proceedings have yet been initiated against any of the persons concerned.

As regards part (b) of the question, I am informed by the Police that 27 vehicles had initially been secured in connection with these suspected cases of forgery. Out of these 27 vehicles -

- 21 of them have now been returned to the owners upon the advice of the DPP;
- 3 of them have been returned to the owners after the completion of the necessary examination by the technical experts and are no more required for the purpose of evidence, and
- 3 vehicles are still under Police custody as the required verification has not yet been completed.

Mr Uteem: Madam Speaker, answering to a PQ on 29 March 2016, the hon. Minister of Public Infrastructure and Land Transport stated that there were around 3,011 owners of vehicles who have voluntarily registered for modification effected on their vehicles without the consent of the NTA. May I ask from the Rt. hon. Prime Minister what is the attitude of the Police as regards those 3,000 people who voluntarily came and stated that they did not comply with the law and asked that their certificates be regularised?

The Prime Minister: Well, I need a specific question for that. I don't have the information.

Mr Uteem: Answering to the PQ again, the hon. Minister stated that on 13 January 2016, ASP Hector Tuyau started the enquiry. It has been reported that Mr Tuyau is no longer the enquiring officer. May I know from the Rt. hon. Prime Minister whether he has enquired with the Commissioner of Police why has the enquiry been taken away from ASP Hector Tuyau?

The Prime Minister: No, I have not.

Dr. Sorefan: Madam Speaker, will the Rt. hon. Prime Minister inform the House if it has been established since when these falsifications have been going on?

The Prime Minister: Well, this has already been answered by the hon. Minister concerned, the date at which it was discovered and all this. If the hon. Member puts a specific question, we will get all the information, and then I can answer.

Madam Speaker: Hon. Baloomoody, last question!

Mr Baloomoody: We know from the PQ which my colleague, hon. Uteem, just mentioned that there were around 3,000 people involved. Now, are those 492 cases which are being investigated among those who came voluntarily? Where are they from? Are they in the pool of those who came voluntarily?

The Prime Minister: Well, I don't know whether they came voluntarily, but these are the cases which are in the hands of the Police and they are being enquired into.

Madam Speaker: Next question, hon. Bhagwan!

SWITZERLAND - MR H. B. – POLICE CONTROL

(No. B/713) **Mr D. Sesungkur (First Member for Montagne Blanche & GRSE)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to Mr H. B., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiries carried out in relation thereto following information received that the latter had been found in possession of some Rs300 m. in the course of a control by the Police in Switzerland, on or about 03 April 2009, including the number of times he has travelled to and from Mauritius, since 2006 to date?

(Withdrawn)

GOVERNMENT-OWNED CAR – REGISTRATION NUMBER 7824 DC 11 - INCIDENT

(No. B/714) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Government vehicle bearing registration number 7824 DC 11, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the said vehicle was involved in any incident on or about 27 May 2016 and, if so, indicate –

- (a) who was in control of the said vehicle at the material time;
- (b) to whom the said vehicle was allocated and the capacity in which the said person had been allocated therewith, and
- (c) if an independent board of inquiry has been set up to inquire into the circumstances of the incident and, if so, indicate where matters stand as to the inquiry carried out thereinto.

The Prime Minister: Madam Speaker, as regards parts (a) and (b) of the question, I am informed by the Commissioner of Police that on 27 May 2016 at around midnight, Government-owned car number 141 RM 11 and bearing Civil Registration Number 7824 DC

11, make BMW, was involved in an incident as the person driving the car at that time was victim of a case of larceny with violence.

I am further informed that the said car is allocated to Mr Tangavel Seerungen, Deputy Commissioner of Police, and at the time of the incident, the car was driven by Mr Saven Seerungen, son of the Deputy Commissioner of Police.

Madam Speaker, by virtue of his official capacity, Mr Seerungen is entitled to a chauffeur-driven car for official and private use. In accordance with the established policy in the Public Service, any Officer who is entitled to a chauffeur-driven car for official and private use, can allow up to three other persons to drive the car provided that they hold a valid driving licence and their names are officially communicated to the Commissioner of Police. In the case of the Deputy Commissioner of Police Mr Seerungen, according to Police records, the name of his son, Saven Seerungen has been added to the list of persons authorised to drive his car since 13 August 2015.

In regard to part (c) of the question, I am informed by the Commissioner of Police that the Rose Hill CID is currently enquiring into the circumstances which led to the incident involving the car of Mr Seerugun.

I am also informed that on 11 July 2016 two persons were arrested and a provisional charge of “larceny with violence” has been lodged against them. They have been remanded to Police cell until 18 July 2016.

The enquiry is in progress. Therefore, the question of setting up an independent enquiry does not arise.

Mr Bérenger: Madam Speaker, is the Rt. hon. Prime Minister aware that, according to my information, on that night, all normal Police procedures were flouted and the Police Information Room was not informed it was a Government vehicle having been stolen and the Police Information Room was not immediately informed. The person who was driving was allowed, later on, to drive away with the same car without any *prélèvement*, without any Police on the spot doing any expert survey and that, therefore, all normal Police procedures were flouted on that evening?

The Prime Minister: That is not correct, Madam Speaker, because the car was never stolen.

Mr Bérenger: The car was never stolen? Well, if that is not a cover-up, I don't know what it is, Madam Speaker! I am sure the Rt. hon. Prime Minister realises that we are dealing with an Ag. Commissioner of Police. Did he turn up at the Police Station at Rose Hill on that evening?

The Prime Minister: Well, if he had been informed, first of all, of this immediately, I don't know, but, in any case, if there was any complaint made to the Police, it was not really necessary for the Ag. Commissioner of Police to go to that station because there are people who are there – well, I have just been informed that after the incident, the car was, if we call it 'stolen, taken away by somebody', retrieved on the same night.

Mr Bérenger: Yes, precisely.

The Prime Minister: Yes, but...

Mr Bérenger: The Rt. hon. Prime Minister just said it.

The Prime Minister: But I was given to understand that the car was stolen from the place of Mr Seerugun, that is not correct.

Mr Bérenger: I never said that.

The Prime Minister: Well, but I understood that.

Mr Bérenger: Then the son of an Ag. Commissioner of Police was doing his dirty business near the Coin Idéal, he was threatened by somebody with a knife and a lady; I stop there. He was driven to a bank and he escaped because there was a Police car going by and the man with a cutter drove away with the car, stole the car, Government property, and the car was discovered by others and during all this time, nothing happens, the Information Room is not alerted and so on. Well, the Rt. hon. Prime Minister told me before that the car was not stolen, now it was kind of stolen. Can I know whether we will really look at this cover-up which has taken place during that night?

The Prime Minister: I don't know what dirty business the Leader of the Opposition is talking about.

(Interruptions)

He means I must take judicial notice!

Madam Speaker: Order!

(Interruptions)

The Prime Minister: Yes, but there is so much information that people outside, like the Leader of the Opposition, get, but I have not been informed about this.

Mr Bérenger: Is the Rt. hon. Prime Minister aware that the mobile phone of the gentleman concerned, was stolen, retrieved by the Police, handed back to the person concerned without any entry in the Police Books, without any enquiry, nothing, that no case of 'larceny with violence' was opened, that no 'cause of threat with offensive weapon' was investigated into. This went on for the whole month, nothing happened for a whole month until an article appeared in '*Le Mauricien*' one month later; 'the incident', as we call it, was on 25 May and then the things started moving supposedly to cover up even more?

(Interruptions)

Madam Speaker: Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo, please!

(Interruptions)

Order!

(Interruptions)

Order, I said!

(Interruptions)

Order, please!

(Interruptions)

I have said order! Hon. Baloomoody, I am on my feet! Please! Yes, Rt. hon. Prime Minister!

The Prime Minister: It is the same dirty business, Okay! Well, I don't know when Police started enquiry, but what we know is that there has been an enquiry and two persons have been arrested in the matter. In any case, I am going to ask the Commissioner of Police to personally look into the matter.

Mr Bérenger: Not to go to Coin Idéal! It is not advisable!

(Interruptions)

The Rt. hon. Prime Minister says that an enquiry was started and nothing happened until a month later, until a Press article appeared in '*Le Mauricien*' Has, at least, the Rt. hon.

Prime Minister tried to find out why is it more than a month after - as I said, the portable phone was retrieved, given back to the owner, no case opened and so on - that there have been arrests? Everybody knows, we know the names of the people concerned, the Police is perfectly aware, why has it taken a month to arrest the persons who have been arrested, three days ago, and will the Rt. hon. Prime Minister put an end to this cover-up and come out with the whole truth?

The Prime Minister: Well, I will ask the Commissioner of Police to have an enquiry.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: I do apologise, but to pick up from the Rt. hon. Prime Minister's last answer, it is clear that all the answers that the Rt. hon. Prime Minister is giving in this House, is given to him by the Commissioner of Police himself, and if the Commissioner of Police clearly has not given him all the information and being transparent and truthful in the answers being provided to the Rt. hon. Prime Minister, how does he, therefore, expect the same Commissioner of Police now to enquire when he initially hid all the information from the Rt. hon. Prime Minister?

The Prime Minister: Well, from whom the hon. Member thinks I am going to seek information!

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed, not from a sitting position! Please!

(Interruptions)

Yes, hon. Bhagwan!

Mr Bhagwan: There are three questions in my question. Is the Rt. hon. Prime Minister aware – I am sure that he won't be aware – the purpose of my question was to have a proof. Had it not been for my Parliamentary Question, no action would have been taken by the Police until yesterday or Sunday! So, can the Rt. hon. Prime Minister enquire, at least, why following, not only the Press article, but also my Parliamentary Question, that the Police then knowing that the Rt. hon. Prime Minister had to reply to the PQ, they had the arrest and so on?

The Prime Minister: Well, they must have been shaken up by that question that was put.

Madam Speaker: Last question on this issue! We've spent much time on this question.

Mr Bhagwan: Can the Rt. hon. Prime Minister enquire because that night, Mr T. S. was Ag. Commissioner of Police, so, he landed everywhere, he went at Rose Hill Police Station, Coromandel Police Station, he went on sites and he threatened all the junior Police Officers, even those who have just received promotion as sergeant ...

Madam Speaker: No.

Mr Bhagwan: Madam, yes.

Madam Speaker: What is your question?

Mr Bhagwan: My question is to ask the Rt. hon. Prime Minister to have an independent enquiry; having the Police to enquire on the Police. This is a case where an Ag. Commissioner of Police has been involved...

(Interruptions)

Ki to problem? Ki to problem?

Madam Speaker: Order, please!

Mr Bhagwan: *To oulé alle Coin...*

Madam Speaker: Hon. Bhagwan, ask your question!

Mr Bhagwan: This case is a symbolic case, where people must see that there is no *justice à deux vitesses*.

(Interruptions)

A case of cover-up! So, can the Rt. hon. Prime Minister at least inform the country? Because this case is commonly known as the Coin Idéal saga. Everyone knows it, within the Police Force itself. It's about the credibility of the Police Force because the Head is involved. So, can the Rt. hon. Prime Minister at least see to it that there is an independent inquiry?

The Prime Minister: Well, I hope the Commissioner of Police will use his discretion and find somebody - of course, it will be in the Police Force itself - to inquire into.

Madam Speaker: Next question, hon. Jhuboo!

TROU FANFARON POLICE STATION - BUILDING

(No. B/716) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the building which used to house the Trou Fanfaron Police Station before the recent relocation of the said Police Station in another building, he will state if the pulling down thereof is being envisaged.

(Withdrawn)

PALMA & BASSIN – DRUG RECURRENCE

(No. B/717) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the regions of Palma and Bassin, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if he is aware of the recurrence of drug related problems thereat and, if so, indicate if consideration will be given for the setting up of a Police post thereat to ensure the safety and security of the inhabitants thereof.

The Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that the regions of Palma and Bassin fall under the jurisdiction of Quatre Bornes Police station. The number of drug cases reported over the last three years for the regions of Palma and Bassin are as follows -

- (i) 22 cases in the year 2013;
- (ii) 21 cases in the year 2014;
- (iii) 29 cases in the year 2015, and
- (iv) 8 cases during the period January to July 2016.

I am further informed by the Commissioner of Police that it is not envisaged to set up a Police post to cover Palma and Bassin for the time being for the following reasons -

- (i) Police have based themselves on the crime statistics of these regions;
- (ii) Quatre Bornes Police Station already ensures permanent mobile Police presence as part of the hot spot policing strategy at strategic locations;

- (iii) combined patrol involving regular Police, the Anti-Drug Smuggling Unit, Central Investigation Division, Emergency Response Service and Divisional Support Unit are carried out regularly in the regions, and
- (iv) Field Intelligence Officers (FIO) are working on the ground to identify and locate suspected drug dealers to track them down in the region of Quatre Bornes, including Palma and Bassin regions.

Mr Jhuboo: Madam Speaker, I would like to thank the Rt. hon. Prime Minister for his answer. One of the criteria for the setting up of a Police station *est, entre autres*, the rapid population growth, and in the regions of Palma and Bassin there have been three *morcellements* and over 300 new residential plots. There are two universities, namely the one from Médine, and there is a school. So, in the light of the population expansion of the region, could the Rt. hon. Prime Minister see to it that the Commissioner of Police, at least, makes provision in the near future for not a proper full-fledged Police station but rather a Police post?

The Prime Minister: Well, the Commissioner of Police has given all the reasons why there is no need for the time being to have a Police post there. I have been given a long list here. Regions covered by Quatre Bornes Police Station are as follows –

- Solferino;
- Paillotte;
- Candos;
- La Louise;
- Residence Kennedy;
- Bassin;
- Palma;
- Berthaud;
- Ollier;
- Cité Beau Sejour;
- Cité Père Laval;
- Old Quatre Bornes;
- St Jean;
- Belle Rose, and
- Sodnac.

The approximate population of Bassin and Palma are 45,000 and 40,000 respectively. The criteria for setting up of a Police station are as hereunder –

- population size;
- area covered;
- nearest Police station;
- crime rate;
- business activities, and
- commercial activities.

Madam Speaker: Hon. Ganoo, next question!

FRENCH EMBASSY – GUNSHOTS - INQUIRY

(No. B/718) Mr A. Ganoo (First Member for Savanne & Black River) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the incidents which occurred in the early morning of 30 May 2016 whereby gunshots were fired in the direction of the French Embassy and of the Saint George Hotel, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto, indicating the –

- (a) names of the persons arrested in connection therewith and if the latter have been released, and
- (b) additional measures, if any, taken to ensure the protection of foreign representations in Mauritius.

The Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that, following the incidents which occurred on 30 May 2016 at Le Saint Georges Hotel and the French Embassy, the CCID has been enquiring into two cases, namely -

- (i) Damaging Property at Le Saint Georges Hotel, and
- (ii) Gunshot at the French Embassy.

In regard to part (a) of the question, I am informed by the Commissioner of Police that in the course of the enquiries two persons have been interviewed and allowed to go thereafter. The enquiries are ongoing.

As for part (b) of the question, I am informed that, with a view to enhancing security of foreign representations in Mauritius, the following measures have been taken -

- (i) Police armed sentry have been posted at some embassies;
- (ii) Police sentry is provided at schools falling under the aegis of French authorities during school hours;
- (iii) round the clock patrols are carried out by regular Police, ERS, CID, SSU and other patrolling Units of the Force near the premises of embassies, and
- (iv) random vehicle check points are established by the SMF and the SSU in the vicinity of embassies.

Mr Ganoo: I heard the Rt. hon. Prime Minister replying that there have been two persons who have been arrested in connection with that case, Madam Speaker. Can I ask the Rt. hon. Prime Minister whether they have been released and whether with his conversation with the Commissioner of Police, the Police still have any hope to elucidate this matter finally?

The Prime Minister: Well, I have just answered they had arrested two suspects, but for lack of evidence they were released. I hope they still have hope to find out the accused.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. We are talking about a very serious matter, an assault on a friendly embassy. The Rt. hon. Prime Minister, answering to an earlier parliamentary question, stated in this House that the help of foreign authorities would be sought, for example, to see how we can trace the face of those who wear helmets. So, may I know from the Rt. hon. Prime Minister whether, as the Prime Minister, he is satisfied with the way the inquiry has been conducted so far?

The Prime Minister: I am informed by the Commissioner of Police that the unmasking exercise has not given the desired result.

Madam Speaker: Hon. Leader of the Opposition!

Mr Bérenger: May I know from the Rt. hon. Prime Minister whether he has discussed with the Commissioner of Police about the supposed link between this incident and the so-called *gang du Sud*; whether he has discussed with the Commissioner of Police if there is any credibility into that or whether it has not been invented *juste pour brouiller les pistes*?

The Prime Minister: Well, I have discussed this matter with the Commissioner of Police and he has assured me that they are doing everything possible to find out who were the persons involved in that incident.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: We have heard a lot of things in the press, even internationally, with regard to this incident, which is being described as a very, very serious incident, and that could really have an effect on the image of our country. Could the Rt. hon. Prime Minister now confirm in this august Assembly, following the inquiry that has taken many, many months now, that this has nothing to do whatsoever with any act of terror or any terrorist group whatsoever, and this was a pure, simple exaggeration at the time; this has nothing to do with it, and Mauritius is a safe destination?

The Prime Minister: Yes, so far, we have no evidence, nothing to show that it was an act of real terrorism.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: The Rt. hon. Prime Minister just mentioned that, at certain Embassies, there are now armed Police Officers, and at certain private schools as well. Can I ask the hon. Prime Minister whether he will see to it that proper CCTV cameras are placed at these spots, especially those Embassies involved and the private foreign schools?

The Prime Minister: Yes, I think our Police have a programme on this.

MELROSE - EASTERN HIGH SECURITY PRISON – CONSTRUCTION - CONTRACT

(No. B/719) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Eastern High Security Prison at Melrose, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the name of the company which had been awarded the contract for the construction thereof, indicating the contract value thereof.

The Prime Minister: Madam Speaker, I am informed by the Commissioner of Prisons that the contract for the construction of the Eastern High Security Prison at Melrose was awarded to the Beijing Zhuzong-Hyvec Partners Joint Venture for the sum of Rs1,491,686,781 (VAT inclusive).

Subsequently, the cost of the construction works of the Prison was revised to Rs2,134,890,869.

I wish to point out that such variations in the original cost of major projects were common practice with the former Government.

Madam Speaker: Hon. Jahangeer, do you have a supplementary question? No! Okay, next question, hon. Baloomoody!

RESIDENCE VALLIJEE - LAW AND ORDER

(No. B/721) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether he will state if he has received a petition dated 19 May 2016 in regard to the law and order situation in Residence Vallijee, in Port Louis and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to the actions taken to ensure that law and order is observed thereat.

The Prime Minister: Madam Speaker, I wish to inform the House that a petition, by way of a letter dated 19 May 2016, was received at my Office, with copy to the Commissioner of Police, from inhabitants of Residence Vallijee complaining about anti-social behaviour by youngsters, some of whom appear to be drug addicts, in the vicinity of the public garden and football playground of the locality.

Following the petition, the Commissioner of Police took prompt action and the following measures have been put in place with a view to ensuring the safety and security of the inhabitants of the region -

- (i) regular foot and mobile patrols by the personnel of the relevant Police Station, Divisional Support Unit and Emergency Response Service, thus reinforcing Police presence;
- (ii) deployment of a CID team to prevent and detect illegal activities;
- (iii) monitoring of habitual criminals by way of regular Police Operations (Knock and Roar, Bottleneck, Dynamic Hotspot Policing etc.);
- (iv) Community Policing Fora at regular intervals with the local community, and
- (v) deployment of Anti-Drug and Smuggling Unit (ADSU) team at the affected areas with a view to identifying any suspicious and irregular activities.

Mr Baloomoody: Can I know from the hon. Prime Minister whether since that petition was sent to the Commissioner of Police, has there been any arrest?

The Prime Minister: Return of cases reported in region of Residence Vallijee from 01 January 2016 to 06 July 2016 - well, these are cases reported, but I do not know whether there have been anybody arrested.

Well, I am sure there has been no arrest; otherwise I would have got the information passed on to me.

Madam Speaker: Time is over! The Table has been advised of the following –

- PQ No. B/726 in regard to the installation of a taxi desk at the reception of hotels will now be replied by the hon. Deputy Prime Minister, Minister of Tourism and External Communications;
- PQ No. B/750 in regard to the ex-cooperative building at Cooperative Street, Bois Cheri will now be replied by the hon. Minister of Business, Enterprise and Cooperatives, and
- PQ No. B/762 in regard to the wreckage of the ship MV Benita will now be replied by the hon. Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands.

The following Parliamentary Questions have been withdrawn: Nos. B/727, B/738, B/739, B/740, B/765 and B/766. Hon. Rughoobur!

STATE INSURANCE COMPANY OF MAURITIUS LTD. - IMMOVABLE PROPERTIES - INVESTMENT

(No. B/725) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the State Insurance Company of Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to the total amount of funds thereof that have been invested in immovable properties over the past five years, giving a list of the immovable properties, indicating in each case the –

- (a) amount of funds invested therein, and
- (b) actual and expected annual yield thereof as at to date, indicating the reasons for variance thereof, if any.

Mr Bhadain: Madam Speaker, I am informed by the Management of SICOM that over the last five years, SICOM has invested in two properties for a total amount of Rs969 m. as follows –

- (i) SICOM Building II of a gross floor area of 9,500 m² on a portion of land of 546 m² situated in Port Louis for an amount of Rs377 m., and
- (ii) SICOM Tower with a gross floor area of 13,807 m² on a portion of land of 8,096 m² situated at Ebene. SICOM Tower was purchased for an amount of Rs592 m.

With regard to part (b) of the question, I am informed that the annual rental derived from the two buildings are as follows –

- (i) for SICOM Building II, the rental is Rs24.9 m. per annum, which according to the management of SICOM represents a yield of 7% per annum, including the capital appreciation element compared to the expected yield of 8%. According to management, the variance is mainly due to the fact that the rent forecasted or used in the feasibility report was higher than the rent which is actually being paid, and
- (ii) the space on the ground floor, which was earmarked for commercial use, is now being used for office purposes by the Ministry of Civil Service.

Secondly, in respect of SICOM Tower the actual rent is Rs55.5 m. per annum and again management, after having adjusted for capital appreciation, has come up with a figure of total return per annum of around 11% compared to an expected yield of 10.8%.

Mr Rughoobur: Madam Speaker, I thank the hon. Minister for his reply. Can I know from the hon. Minister whether the former Board had recourse to a tender exercise in the purchase of the SICOM Tower in Ébène? Can he enlighten the House?

Mr Bhadain: I am informed by the management of SICOM, Madam Speaker, that no tender exercise was conducted. In fact, Arushi Development, a company of Mr Rakesh Gooljaury, approached SICOM for the construction of that building.

I am also informed that the company has been paid a total amount of Rs579,788,443 together with a refundable VAT of Rs87,411,982; these were paid in May and June 2014.

Mr Rughoobur: Can I know from the hon. Minister whether the amount of Rs592 m. which he just mentioned for the SICOM Tower is exclusive of land? Does the land belong to the BPML?

Mr Bhadain: I don't have this information specifically, but I would think so because it is in Ébène Cybercity, all lands there belong to BPML and I believe that the land has been purchased by Arushi Development before doing the construction. But, Madam Speaker, I must say that there are a number of serious anomalies and potential malpractices which have been seen in this transaction and I have asked my Ministry to start a good governance review on this issue and other issues relating to the affairs of SICOM.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Thank you, Madam Speaker. Now that SICOM has invested so much money in immovable properties and having around Rs50 m. yearly as rental, that is a profit for SICOM. May I know from the hon. Minister - he said last time replying to my PQ that there is a reserve of Rs4 billion at SICOM; those are all the profits that are accumulated and the Government had invested; so the National Pension Fund - why Government is not getting the dividend from SICOM and the National Pension Fund also?

Mr Bhadain: This is a matter which will be taken by the Board of SICOM with management in terms of dividend payment. As the hon. Member is aware, a company chooses to pay dividend when it chooses to pay dividend. That is according to law, but, of course, when Government has invested into a company, Government needs to get its returns and the Board will look at this issue so that dividends are dully paid to Government as should be paid.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, from replies obtained, here, in the National Assembly, we were being told that Mr Gooljaury obtained loan from the State Bank and then, at the same time, he sold the building to SICOM and obtained money. Can the hon. Minister inquire as to whether all the sums, taken at the State Bank and other Banks where Government is a shareholder, have been refunded and, if not, what will happen to Mr Gooljaury with the millions of rupees he has benefitted?

Mr Bhadain: Madam Speaker, issues regarding SBM would not fall under my portfolio.

Madam Speaker: No.

Mr Bhadain: However, I have stated that the good governance review is being conducted not only on this issue but other issues as well. I will inform the House in due course.

Mr Jhugroo: Madam Speaker, is the hon. Minister aware whether the said portion of land, where the SICOM Tower has been constructed, was meant, according to BPML, as a green space? Can he tell us how come that Arushi Company Ltd. has acquired this plot of land? Can he also tell us, according to his inquiry, as to who gave this plot of land to Arushi Company Ltd.?

Mr Bhadain: Madam Speaker, Cabinet has decided that a full review be conducted on the activities of BPML from 2010 to date. This is ongoing and a number of issues are being seen, revealed and, of course, this issue will also form part of the report of the review which is being conducted on BPML.

Mr Rughoobur: Madam Speaker, I have a last supplementary. In fact, based on the types of decisions of the former Board, can the hon. Minister enlighten the House on the measure that he has taken to ensure that the current Board did not intervene in the day-to-day management of SICOM?

Mr Bhadain: No, not only the current Board but all the Boards of all the parastatal bodies, Cabinet has decided that there is a clear demarcation line between what the Chairperson should do, Board members should do, their roles and responsibilities and the Chief Executives who basically run the organisation. But, on the other hand, the Chief Executive also should not have a voting power on the Board and in the case of SICOM, I am informed that the current Chief Executive actually votes on the Board of SICOM which is also not in line with good governance practices.

Madam Speaker: Next question, hon. Rughoobur!

HOTELS - TAXI DESK

(No. B/726) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the hotel taxi owners, he will state where matters stand as to the request thereof for the installation of a taxi desk inside the reception area of the hotels.

The Deputy Prime Minister: Madam Speaker, with your permission, I shall reply to Parliamentary Question No. B/726.

A Ministerial Committee was set up under my chairmanship on 07 September 2015 to look into the problems being faced by taxi operators based at hotels.

Following wide consultation with various stakeholders, on 07 April 2016, Government decided, amongst others, that a taxi desk should be set up at existing hotels of more than 50 rooms. It was also decided that indicative taxi fares would be displayed at the reception area and a voucher system would be introduced where the meter taxi is not in operation. The employee designated to manage the taxi desk would be trained by *École Hôtelière* Sir Gaëtan Duval and the Tourism Authority in personal grooming and customer care.

Madam Speaker, the *Association des Hôteliers et Restaurateurs de l'Île Maurice (AHRIM)* is agreeable to these measures and has accordingly informed its members to implement this Government decision. AHRIM has also circulated guidelines to its members to assist them in their discussions with taxi drivers. The Tourism Authority has also issued a letter to all hotels concerned requesting them to implement these measures as from 15 June 2016.

Madam Speaker, each hotel has its own specificities with respect to space and layout, hence, implementation of the taxi desk and its location would differ from hotel to hotel. Meetings have been held between the Tourism Authority, the National Transport Authority, Hotel Management and Taxi Operators to work out the modalities of setting up the taxi desk at each hotel.

Meanwhile, the deadline for the setting up of the taxi desk has been extended to 15 September 2016 to give hotels ample time to finalise the modalities for setting up of the desk.

Madam Speaker, it is to be highlighted that the Tourism Authority and the *École Hôtelière* Sir Gaëtan Duval are presently working on the modalities of training to be provided to hotel based taxi operators so that the higher standard of service delivery is maintained. It is proposed that the training be carried out on a region wide basis and be conducted in different batches of 25 participants.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: I thank the Deputy Prime Minister for his reply and also for the deadline fixed for the implementation. I have only one supplementary for the hon. Deputy Prime Minister. Can he see to it as to whether there is any charge because there are some hotels where they are claiming a fee for the installation?

The Deputy Prime Minister: I presume that some hotels will provide it free of charge, others may provide for a reasonable fee which, in my view, should be in line with whatever is being charged to any tour operator operating a similar desk.

Mr Bérenger: I heard the hon. Deputy Prime Minister say that L’AHRIM, *Association des Hôteliers et Restaurateurs de l’Ile Maurice* is putting pressure by convincing its members to give effect to the decisions taken. At this point in time, are all the big groups of hotels or the big hotels members of AHRIM?

The Deputy Prime Minister: Yes, Beachcomber joined AHRIM some time ago. So, I think all the big groups are members of AHRIM, if that is the question.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Is the hon. Deputy Prime Minister aware that there has been a complaint from taxi operators in hotels of unfair competition by contract car operators and that a lot of hotels do not play the game and have private arrangement with the contract cars, and these resident cars end up charging tourists more than the regular taxi operators?

The Deputy Prime Minister: In fact, the Committee that I was asked to chair, looked into this matter, but I would advise the hon. Member that at present there is an injunction with respect to exactly the same issue and, therefore, the particular matter is *sub judice*, Madam Speaker.

Mr Jhuboo: Merci, Madame la présidente. Il y a un évènement assez révélateur qui s’est produit il y a quelques semaines de cela suite à un touriste qui est parti faire du *shopping* au Caudan. Ensuite, il a pris un taxi du Caudan et il est retourné à son hôtel où on lui a interdit l’accès à l’hôtel. Pour un cinq étoiles c’est un peu moyen.

Concernant toutes ces petites incohérences qui existent par rapport à cette juridiction, on pourrait savoir du ministre qu’est-ce qui est mis en place pour pâler toutes ces petites incohérences, notamment celle où un taxi étranger ne peut pas rentrer sur les prémices d’un hôtel s’il n’y a pas la licence?

The Deputy Prime Minister: Madam Speaker, it’s a misunderstanding I believe because what we dealt with was the prohibition for non-hotel taxis to collect people from hotels, not to drop them. So, that is the incoherence that I think the hon. Member is referring to. It is a misunderstanding.

NATIONAL PAY AND PRODUCTIVITY COUNCIL – SURVEYS

(No. B/727) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to productivity, she will, for the benefit of the House, obtain from the National Pay and Productivity Council, information as to the –

- (a) total number of surveys the Council has carried out in relation thereto since January 2015 to date, and
- (b) measures taken for the promotion of a culture thereof in Mauritius.

(Withdrawn)

ROAD NETWORK - INVESTMENTS

(No. B/728) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the road network, he will, for the benefit of the House, obtain from the Road Development Authority, a breakdown of the quantum of the annual investments therein since January 2012 to date.

Mr Bodha: Madam Speaker, I am informed by the Road Development Authority that a total investment of around Rs11,615,100,000 including maintenance works, have been made to the road network from the financial year 2012 up to the end of June 2016.

With your permission, I am tabling detailed information in respect of the list of road projects which have been carried out.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Madam Speaker, there have been several requests based on the nature of where the coastal roads from Grand Gaube to Pereybère are situated. The hon. Minister is well aware of the condition. It is in a deplorable state. Can the hon. Minister enlighten the House as to whether it was in the last Budget or in the list which he has tabled, and if it was in the list whether it would be taken care of in the coming Budget?

Mr Bodha: Madam Speaker, we have made a request for bypasses on a national basis and the coastal road bypass in Cap Malheureux is being taken care of. We have made a request to the hon. Minister of Finance and Economic Development for the next Budget.

Madam Speaker: Hon. Dr. Sorefan!

BUSES - SEMI-LOW FLOOR - PURCHASE

(No. B/729) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the semi-low floor buses received in donation from China in January 2016 and the additional ones purchased in 2016 respectively, he will state the -

- (a) costs incurred in relation thereto, and
- (b) company to which the contract for the maintenance thereof has been awarded.

Mr Bodha: Madam Speaker, concerning part (a) of the question I am informed by the National Transport Authority that 20 semi-low floor buses of the Make Yutong were donated by the Chinese Authorities in January 2016 in accordance with an agreement between the Government Republic of Mauritius and the Government People's Republic of China.

The cost incurred by the NTC to have other accessories fitted and to have the road worthiness of the 20 donated buses assessed by the NTA amounts to Rs1,322,503., that is, around Rs66,000 per bus to put them on the road.

In addition, 100 semi-low floor buses were procured this year following a tender exercise. The contract for the procurement, maintenance and other accessories of the 100 buses has been awarded to ABC Coach Works Ltd. to the tune of Rs405,068,061.40 inclusive of VAT.

Madam Speaker, as regards part (b) of the question, the maintenance of the 20 donated buses is being carried out by ABC Coach Works Ltd. which is the local Agent for Yutong buses in Mauritius. The cost incurred for maintenance involves only the labour cost amounting Rs2,466,600. VAT inclusive given that spare parts for the maintenance and servicing of the buses, were received free of charge from the Chinese Government. The warranty period of the 20 buses is 18 months or 150,000 kms of operation as from the date of delivery whichever is the earlier, which means that for every month the maintenance fee is Rs6,850. per bus.

The maintenance of the 100 fully built semi-low floor buses covers the first 200,000 kms of operation as from the date of commissioning and the cost thereof amounts to Rs42,386,240. VAT inclusive for a period of two years.

The warranty period of the bus is, as I said, two years from the date of commissioning of the buses. During the period of warranty, ABC Coach Works Ltd. shall remedy all the

defects in design, material and workmanship that the buses may develop under the normal use and not attributed to bad driving habit, free of cost.

It will result to a sum of about Rs17,000 monthly including labour and spare parts for a period of two years.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Madam Speaker, the hon. Minister said that 100 semi-low floor buses were procured through tender and that was awarded to ABC Coach Works Ltd. May we know from the hon. Minister whether the 100 semi-low floor buses were of the same make like the 20 Yutong buses given by China, and what is the coincidence of getting 20 buses free from China and at the same time, through tender, ABC Coach Works Ltd. gets the same company, if the 100 buses are from Yutong?

Mr Bodha: They are of the same brand, but they are not of the same specification, you have slight differences. But the tender exercise was a proper tender exercise carried out by the Procurement Board.

Madam Speaker: Hon. Osman Mahomed!

Mr Mahomed: Has the hon. Minister been made aware that these buses are very high consumer of energy? In fact, figures that have come to me is that more than 30 litres per day per bus as compared to a normal bus.

Mr Bodha: I think we have studied the cost worthiness of the buses.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Madam Speaker, this is maybe not directly related to the question, but it has to do with what the hon. Minister has just answered. He has said that at a certain point in time the buses were donated to the Government of Mauritius and finally those buses were simply given to the National Transport Corporation. The National Transport Corporation is one of the public transport operators in Mauritius. There are many other transport operators. Isn't this therefore a violation of the Competition law of Mauritius by taking undue advantage of a donation and giving it to a competitor of other transport companies?

(Interruptions)

Because the law does not make provision for transport services as being removed from the Act as opposed to other specific issues.

Mr Bodha: Madam Speaker, I don't think so. It was a donation of the Government of the People's Republic of China to an institution chosen by the Government of Mauritius.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Madam Speaker, answering to the question of hon. Mahomed, the hon. Minister has said as per cost worthiness. Is he aware that our old buses - I don't go for it - have a carrying capacity of about 60 whereas for this one, the carrying capacity is only 45 and they are using about 30 litres of diesel per day?

Mr Bodha: The carrying capacity is 45. We have improved it and they can carry up to 60 with standing passengers.

Madam Speaker: I suspend the sitting for one and a half hours.

At 1.03 p.m. the sitting was suspended.

On resuming at 2.37 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Dr. Sorefan!

MINISTRY OF HEALTH AND QUALITY OF LIFE – MEDICAL OFFICERS - RECRUITMENT

(No. B/730) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Health and Quality of Life whether, in regard to the pre-registration and post registration of doctors, he will state if his Ministry is proposing to proceed with the recruitment thereof in the near future and, if so, indicate when and if not, why not.

Mr Gayan: Mr Deputy Speaker, as far as pre-registration doctors are concerned, the answer is yes in the near future. As for post registration of doctors, I am informed that this category does not exist.

Dr. Sorefan: Regarding the post registration what I meant was those who have been registered after the pre-qualification, pre-registration. Anyway! Will the hon. Minister give assurance to this House that this time for the pre-registration, when they go for recruitment, that the interview is done by the PSC and not by the Ministry of Health and Quality of Life?

Mr Gayan: Mr Deputy Speaker, Sir, in fact, we are looking at the whole process of pre-registration and it is very likely that there will be an exam conducted before pre-

registration so that all those who are successful at that exam will move on for the pre-registration. It will be conducted by a body of international standing.

Dr. Sorefan: Regarding the post registration, like I said, after the pre-registration, they get registered, but there are many who are unemployed, that what I meant post registration. Will the hon. Minister consider, if there are vacancies, of course, to recruit those medically registered doctors?

Mr Gayan: The recruitment is for the PSC. I am afraid it does not depend on the Ministry.

Dr. Joomaye: Mr Deputy Speaker, Sir, I would like to ask the hon. Minister the number of young doctors who are waiting to be recruited as pre-registered doctors and has there been an assessment or a survey to assess the capacity of the public hospitals to accommodate these doctors? How many can we accommodate right now?

Mr Gayan: Well, in fact, this is one of the major challenges of the public health system. Indeed, the legacy we have is that anybody who had gone to study medicine anywhere would come to Mauritius and would be recruited for pre-registration. This constitutes a heavy burden on the existing facilities in our hospitals because our hospitals are not teaching hospitals, and on top of that, we have the nurses, students from other medical colleges. So, all this is being looked into and we will be coming with a major policy on all these matters.

Mr Uteem: Last year, there was a PNQ on the recruitment of doctors on contractual basis and the hon. Minister mentioned that there is going to be a recruitment by the PSC. May I know from the hon. Minister, following the recruitment by the PSC, how many doctors do we still have on contractual basis and why have these doctors been kept on contractual basis when they are not qualified to be appointed by the PSC in a substantive capacity?

Mr Gayan: Well, I will need a proper question and then I will provide the answer. But, from what I understand, there were some doctors who are on sessional basis, they have reached the age when they no longer can work and, therefore, they have to be replaced because there is still a need for that. But if the hon. Member comes with a substantive question, he will get the reply.

Dr. Sorefan: Last one, Mr Deputy Speaker, Sir. The hon. Minister said there will be a new, call it 'a reform of exam' for the pre-registration. Do I take it that the Indian Medical

Group that was doing the exam, after the 18 months of training in the hospital, that this exam will be done before they get recruited?

Mr Gayan: Well, the PSC will have to select the body that will conduct the exam, but it is likely that it will be the National Board of Examiners of India that will be conducting the exam.

The Deputy Speaker: Hon. Jhugroo, last supplementary!

Mr Jhugroo: Thank you, Sir. Being given that we have got more than one medical college in Mauritius, would he consider to convert, at least, one of our hospitals into a teaching hospital?

Mr Gayan: Well, I am not a doctor, but what I understand is that a teaching hospital grows from bottom up and cannot be imposed from top down. So, we have to develop something which is purely Mauritian and see how, if we can have one of the hospitals converted into a teaching hospital, but this is also being studied.

ESTHETIC CLINICS - LASER TREATMENT

(No. B/731) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Health and Quality of Life whether, in regard to cases of localised first, second and third degree burns, he will state the number of cases thereof having allegedly been sustained following laser treatment of skin lesions carried out in esthetic clinics by non-professionals reported by doctors and patients at the public health institutions, indicating the steps that have been or will be taken to prevent the said practice.

Mr Gayan: Mr Deputy Speaker, Sir, I am informed that no case of any type of burn injury following laser treatment in private has been reported at the level of our regional hospitals or the Burns Unit at the Victoria Hospital.

Dr. Sorefan: Will the hon. Minister consider seriously those unqualified dermatologists who are using laser beam to treat certain lesions of the skin and that the laws and regulations be amended so that only dermatologists, who are medically qualified doctors, be allowed to procure such equipment and those who supply them should sell it directly to the doctors so that people who are qualified know how to use it? Because the skin is not just a surface, it is a three layer and the sub-skin layer get burnt with laser. Even, we, dental surgeons, they don't sell it to us for dental treatment unless they give us the training how to use it. So, let it be for the safety of patients...

The Deputy Speaker: Come to the question, hon. Dr. Sorefan!

Dr. Sorefan:... that they go in that direction.

Mr Gayan: Mr Deputy Speaker, Sir, I am informed that currently there are two Health Care Units which are licensed by the Ministry under the Private Health Institutions Act. One is *Centre de Greffe de Cheveux et de Chirurgie Esthétique et Dentaire de l'Océan Indien* at Trou aux Biches and the other one is an international centre of plastic surgery at Floreal. There is a third one that has applied, but it is still being processed. But, I will certainly convey the concern of the hon. Member to my staff.

Dr. Joomaye: Mr Deputy Speaker, in order to regulate the use of these types of equipment by non-medicals, last year, the hon. Minister said that the allied professionals and Allied Health Professions Bill would be prepared and presented soon, but it was last year and up till now, nothing has been done. I would like to know where things are regarding this piece of legislation.

Mr Gayan: Well, in fact, only yesterday, Mr Deputy Speaker, we finalised the Bill, it will go to Cabinet and then it will be brought to the House.

The Deputy Speaker: Next question, hon. Mahomed!

VEHICLES (SECOND-HAND) – IMPORTATION & SALE

(No. B/732) Mr O. Mahomed (Third Member for Port Louis South and Port Louis Central) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the recent decision of Government to reconsider the conditions for the importation and the sale of second hand vehicles, he will state if consultations have been held with all the stakeholders concerned therewith and, if so, indicate the outcome thereof.

Mr Gungah: Mr Deputy Speaker, Sir, before replying to the question, I would like to seek your indulgence and that of the House for taking a few minutes to state some of the measures with regard to the importation and sale of second-hand motor vehicles.

The Deputy Speaker: May I ask how long?

Mr Gungah: Three to four minutes.

I shall also table a paper with all the measures afterwards.

Mr Deputy Speaker, Sir, I wish to inform the House that over the past year, I have received numerous complaints and representations from the general public, associations of

motor car dealers of new as well as second-hand motor vehicles. These were mainly geared towards the importation of damaged and accidented vehicles and cases of alleged frauds and malpractices in the following main areas –

- (a) Importation of second-hand cars being declared as new;
- (b) Pre-shipment inspection certificate containing false and misleading information and is, therefore, unreliable, untrustworthy and inadequate;
 - fake auction sheets with false grading, and
 - individual purchasers being victims of scrupulous “agents” who extort money from them, delay delivery of their vehicles and claim additional fees.

Consequently, in order to address all these issues, I have held consultations with the associations of motor vehicle dealers with a view to finding ways and means to strengthen the current legislative framework. The associations have submitted their views, comments and proposals, and these have been duly considered.

Consultations were also held with the following Ministries and Departments –

- (i) the Ministry of Finance and Economic Development;
- (ii) the Ministry of Public Infrastructure and Land Transport;
- (iii) the Ministry of Environment, Sustainable Development, and Disaster and Beach Management;
- (iv) the Mauritius Revenue Authority, and
- (v) the National Transport Authority.

Further to the above consultations, more restrictive conditions and additional measures have been introduced, *inter alia* -

1) Age criterion

With a view to ensuring that second-hand motor vehicles imported into Mauritius are of better and safer conditions, the upper limit age criterion of the different categories of vehicles has been amended, while keeping the lower limit as it is currently.

2) Pre-Shipment Inspection Certificate (PSI) and additional certificates and information required

With a view to ensuring more control on existing and new accredited agencies as well as to ensure that genuine information are being submitted

to my Ministry, registered agencies which issue the Pre-shipment Inspection Certificate will be subject to more rigorous conditions. Moreover, importers will have to submit additional certificates, which will be crosschecked with the PSI, for example, the roadworthiness certificate and the auction grade in the certified auction sheet.

3) The auction sheet

To address the issue of falsification of auction sheets, importers will have to submit a certified true copy of the original auction sheet in the English language.

4) Agents

In addition, henceforth, all importation and sale of second-hand motor vehicles should be made only through authorised dealers of second-hand motor vehicles, duly registered and licensed, and importation by individuals through “agents” will no longer be allowed.

5) New dealers’ license

With a view to bringing the business of importation and sale of second-hand motor vehicles to a sound environment, no new dealers’ license will be issued for the next two years.

6) Warranty

The current warranty, which is six months, will be increased to one year and will include a provision for the spare parts to be covered by the warranty.

7) Garage/After-sales service

Henceforth, all second-hand motor vehicle dealers will have to show proof that they own a garage or are affiliated with a garage through a written agreement to provide for repairs and after-sales service, especially during the warranty period.

Mr Deputy Speaker, Sir, I wish to highlight that overall I have received very good feedback from the general public and dealers of second-hand motor vehicles in respect of the measures brought by Government.

Moreover, at their press conference on 30 June 2016, the Dealers in Imported Vehicles Association expressed their satisfaction to the measures taken by Government, but had some reserves in respect of two issues, namely the age criteria for second-hand cars and,

secondly, on the coming into force of the provision regarding submission of certified true copy of the auction sheet.

Taking into account these representations, Government on 01 July thus decided to review the upper age limit as follows –

- (a) for second-hand cars, the age will remain four years instead of three;
- (b) for second-hand vans, the age will be four years instead of three, and
- (c) for second-hand goods vehicles, the age will be six years instead of five.

As regards the submission of a certified true copy of the original auction sheet, instead of 01 July 2016, same will be applicable as from 01 August 2016, and all other measures taken by Government on 24 June 2016 will be implemented as such.

The Deputy Speaker: Hon. Mahomed!

Mr Mahomed: If there were prior consultations, why was there a review on Government's decision as regards the age of the vehicles?

Mr Gungah: In fact, Mr Deputy Speaker, Sir, Government wanted to make sure that all second-hand vehicles that are imported are in very good condition. We suppose that a car, for example, which is less than three years old, is a better one than four years old. But the dealers' problem is that they don't easily have cars less than three years old in Japan because most of the Japanese people sell their cars after three years.

The Deputy Speaker: Hon. Mahomed!

Mr Mahomed: Thank you, Mr Deputy Speaker, Sir. Is the hon. Minister aware that there has been a letter circulated to all Members of Parliament and particularly addressed to the hon. Minister of Finance and Economic Development, depicting the malaise hovering over the industry following this review in decision? They are talking about blatant irregularities. They are talking about unbearable paradox and even threatening to sue Government. So, what is being done?

(Interruptions)

This is the letter. Is the hon. Minister not aware?

The Deputy Speaker: Can the hon. Member table the letter?

Mr Mahomed: I can table the Motor Vehicle Dealers Association's letter, titled 'The review of the Ministry of Commerce on the age limit of imports of second-hand cars in

Mauritius after having decided otherwise at Cabinet meeting of last week.' I am going to table the letter just now. So, what is going to be done to address this malaise hovering over the industry?

Mr Gungah: Mr Deputy Speaker, Sir, I met the representatives of the different associations. We had frank discussions and they were happy with whatever Government has proposed.

The Deputy Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Thank you. The Minister has mentioned that they have to produce several types of certificates. Very good! But, most of the time, we see forged certificates landing in Mauritius. Is there any other mechanism that the hon. Minister may consider, for example, before selling the car, even if the car has been imported as per all certificates, they should go to the fitness centre for an examination, and that this is the final certificate that it is a genuine 3-year or 4- year old car which did not have accidents, reconditioned, and then they can sell it, and all this at the expense of the importer?

Mr Gungah: In fact, it is like that now. In the paper that I am going to table, the hon. Member will find it there.

Mr Jhugroo: Suppose a motor vehicle dealer of second-hand cars imports a 3-year old vehicle, places the car in his showroom, but could not sell the car before one year. What will happen after four years? What is he going to do with the car?

Mr Gungah: Well, if he followed the regulations and imported the car at the moment he had to import it, that is, where age criterion was respected, so, even if he sells it one year after or even two years later, it does not matter.

The Deputy Speaker: Next question, hon. Mahomed!

STC - DIESEL – IMPORTATION

(No. B/733) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to diesel, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the average monthly quantities of importation thereof for the years 2012, 2013, 2014, 2015 and since January 2016 to date.

Mr Gungah: Mr Deputy Speaker, Sir, I am informed by the State Trading Corporation that the Corporation imports two grades of diesel; one grade of diesel with less

than 50 ppm (parts per million) sulphur (that was previously 500 ppm sulphur and it was improved in March 2012 to 50 ppm), which is meant mostly for local automotive purposes such as buses, lorries, commercial/goods vehicles and cars/SUVs, and for industrial use.

The other grade of diesel with less than 2,500 ppm sulphur is destined essentially for use as marine bunker fuel.

With your permission, Mr Deputy Speaker, Sir, I shall table the information regarding the monthly average quantities of imports by the STC for the period 2012 to June 2016.

Mr Mahomed: The paper will take some time before reaching me. The first grade of diesel, the one that the hon. Minister has explained, is the consumption per month on the rise or on the decline?

Mr Gungah: According to my information, that is, in the Table that the hon. Member is going to have, it is more or less stable. For example, in 2012, an average monthly quantity was 17,000 metric tonnes and in 2015, it was 17,063 metric tonnes.

Mr Mahomed: From January to June 2016, we see a dramatic drop. In 2013, for example, it was 11,000 metric tonnes per month, but the average monthly for January 2016 is almost half, that is, 6,000 metric tonnes per month. Is there any explanation to this?

Mr Gungah: The hon. Member is speaking about bunker fuel. In fact, in 2013, it was 11,000 metric tonnes and then as from 2014, bunker fuel was liberalised and oil companies had the possibility of importing their own bunker, that's why there is a decrease. At the same time, we should consider that the period is from January to June 2016, that is, six months.

Mr Mahomed: Given that the hon. Minister is the Minister of Commerce and Industry, has there been a *constat* to correlate the declining trend with respect to the level of economic activities in the country?

Mr Gungah: Mr Deputy Speaker, Sir, in fact, when STC sells the petroleum products to the oil companies, STC does not have any control on the sale of these petroleum products that the petroleum companies do to their clients. I have tried to gather some information and I must say that, in terms of economic activity, there has been an increase in both Mogas and gas oil combined together. There has been an increase because compared to year 2011, it has increased by some 10%.

ELECTRICITY ACT 2005 - PROMULGATION

(No. B/734) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Electricity (Amendment) Act 2005, he will state the timeframe set for the promulgation thereof now that it will be possible for the Utility Regulatory Authority to become operational following the recent amendment brought to the Utility Regulatory Authority Act.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, Sir, as I mentioned in my speech on the Second Reading of the Utility Regulatory Authority (Amendment) Bill, which was voted on 28 June 2016, my first priority is now the appointment of the Board of the Authority. I am currently working on the proposals which I will submit to the hon. Prime Minister.

Once appointed, the Board will be required to recruit a Director in accordance with section 14 of the Act and other staff to carry out the extensive functions of the Authority, as spelt out in section 6.

As the proclamation of the Electricity Act 2005 which immediately led to the repeal of the existing Electricity Act of 1939, it is my responsibility to ensure that all the conditions are satisfied for the Electricity Act 2005 to become effective. As electricity supply is highly sensitive, there should be no situation of legal vacuum.

My Ministry and the Central Electricity Board are actively working on the necessary regulations to be made under the Electricity Act 2005 to set the necessary technical standards for electricity supply and distribution.

APOLLO BRAMWELL HOSPITAL - INCOME & EXPENDITURE

(No. B/735) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Finance and Economic Development whether, in regard to the Apollo Bramwell Hospital, he will, for the benefit of the House, obtain from the NIC Healthcare Ltd., information as to the –

- (a) amount of funds injected therein since August 2015 to date;
- (b) average monthly income and expenditure thereof, and
- (c) aggregate amount of liabilities and receivables thereof.

Mr Jugnauth: Mr Deputy Speaker, Sir, the NIC Healthcare Ltd. was incorporated on 14 August 2015 as a subsidiary of the National Insurance Co. Ltd. and, the management and operations of the Apollo Bramwell Hospital was transferred on 25 August 2015 to NIC Healthcare Ltd.

Concerning part (a) of the question, I am informed that as from August 2015 to 30 June 2016, the NIC Healthcare Ltd. has injected an amount of Rs196 m. to meet the shortfall in operational costs of the Apollo Bramwell Hospital.

Regarding part (b) of the question, I am informed that for the period August 2015 to June 2016, the average monthly income and expenditure of the hospital was Rs58 m. and Rs77 m. respectively, resulting in an average excess of expenditure over income of Rs19 m. However, a series of corrective measures have improved the financial performance of the Hospital and, in June 2016, the expenditure exceeded income by some Rs8 m. compared to around Rs35 m. in September 2015.

Mr Deputy Speaker, Sir, with regard to part (c) of the question, the aggregate amount of liabilities for the NIC Healthcare Ltd. as at 30 June 2016 was Rs256 m. The aggregate amount of receivables as at 30 June 2016 was Rs37.8 m.

Mr Uteem: The hon. Minister of Finance has just mentioned that, so far, Rs196 m. has been injected in Apollo Bramwell Hospital. May I know from the hon. Minister where that money came from? How were the funds allocated to NIC Healthcare Ltd.?

Mr Jugnauth: Well, I believe that they are loans that have been taken from the bank to finance that expenditure.

Mr Uteem: Answering to a PNQ on 03 May 2016, the Minister for Financial Services mentioned that –

“(…) A Sale and Purchase Agreement (SPA) is being finalised with Omega Ark Healthcare Investment Ltd, the preferred bidder at an agreed price of USD 60 million. A legal team from Omega Ark is expected to come this week and the signature of the SPA is scheduled before the end of this month”.

Meaning, before the end of the month of May!

So, may I know from the hon. Minister of Finance whether this Sale and Purchase Agreement has been finalised and the money paid?

Mr Jugnauth: Well, not yet, Mr Deputy Speaker, Sir, because discussions are still ongoing and, hopefully, there will come a time when it will come to a conclusion. I must say we are looking at different options. One of them was initially that there would be an outright sale, but we are looking at the other options that were expressed in the Expression of Interest.

Mr Uteem: On a supplementary question from the hon. Leader of the Opposition on whether a due diligence has been carried out on Omega Ark, the hon. Minister stated that it is not in his Ministry, but that we have to ask this question to the Minister of Finance and Economic Development. So, now, I am asking the hon. Minister whether any due diligence has been carried out on this entity Omega Ark, whether we know who the beneficial owners are and whether this company has the funds to acquire the hospital.

Mr Jugnauth: Well, I definitely presume that a due diligence has been carried out by the team negotiating with the company.

Dr. Joomaye: Replying to a PQ last year, the hon. Minister of Health stated that Apollo Bramwell was employing 21 foreign doctors and they were drawing a salary of Rs11 m. monthly. I would like to know if it is still the case nowadays.

Mr Jugnauth: Well, I would not have the details about how many of the doctors are foreign doctors. For example, I know the expenditure with regard to doctors' fees, but I am sure they comprise of foreign doctors and local doctors also. Of course, I can find out how many are foreign and how much expenditure has been incurred with regard to the foreign doctors.

The Deputy Speaker: Hon. Ganoo, last supplementary!

Mr Ganoo: Can I ask the hon. Minister of Finance and Economic Development with regard to part (c) of the question, there are several suppliers to whom Apollo Bramwell owes money for a long, long time and these local suppliers need these funds so that their business may continue to operate? There is the problem of cash flow. Can the hon. Minister of Finance and Economic Development see to it that these suppliers are as soon as possible paid by the hospital?

Mr Jugnauth: Well, with regard to part (c), I have stated that - you mean the amount of receivables from ...

(Interruptions)

Suppliers! But they would have been paid because the liabilities are up to Rs256 m. according to the information that I have. Now, I don't know if there are other suppliers whereby there is a dispute about the claims. That I would not know, but I can find out if the hon. Member can, of course, give me the specific information about which supplier; I can have a look and pass it on certainly to the managing committee.

The Deputy Speaker: Hon. Uteem, next question!

OVERSEAS TREATMENT SCHEME - ELIGIBILITY CRITERIA

(No. B/736) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Health and Quality of Life whether, in regard to the Overseas Treatment Scheme, he will state –

- (a) the eligibility criteria to benefit thereunder, and
- (b) for each of the years 2014, 2015 and since January 2016 to date, the number of applications received for assistance thereunder, indicating the -
 - (i) number thereof which have been granted, and
 - (ii) aggregate amount of funds disbursed thereunder.

Mr Gayan: Mr Deputy Speaker, Sir, the eligibility criteria for patients to benefit under the Overseas Treatment Scheme are as follows –

- (i) Treatment is not available in public hospitals due to lack of expertise and equipment, and
- (ii) Total household income does not exceed Rs50,000 per month.

With regard to parts (b) (i) and (ii) of the question, I am tabling the required information.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. The hon. Minister has just mentioned that one of the criteria is that the treatment is not available locally in the hospitals. What about cases where the treatment is not available in public hospital but in private clinics in Mauritius? Would the patient be eligible for a grant under that scheme, if they are able to carry out the treatment in a private clinic in Mauritius?

Mr Gayan: Well, the scheme deals with overseas treatment. I think that says everything.

Mr Uteem: The reason why I asked this specifically is that there is a Cabinet decision on 15 January 2016, earlier this year, where Cabinet has agreed to the Overseas Treatment Scheme being reviewed with a view to enabling a greater number of patients to benefit from treatment at greater value and under the scheme, specialists from abroad would be travelling to Mauritius to perform local surgery. So, we are not talking about flying the patients out, but doctors coming in. That is why I ask whether we have a specialist who has flown to Mauritius in a private clinic and whether the patient would benefit from that scheme as was decided in Cabinet earlier this year.

Mr Gayan: Mr Deputy Speaker, Sir, what was, in fact, decided was that instead of sending Mauritian patients overseas, we will have arrangements with the doctors and specialists from India mainly to come and operate on our patients in our hospitals.

With regard to those who have been treated in private clinics, they are outside the jurisdiction of the hospitals and, in fact, this scheme is already working. Over the week-end, we had quite a number of surgeons coming from India who operated on our patients. I think the beauty of the scheme is that for the overseas treatment there were the criteria that had to be met. Now, the criteria will not apply because anybody needing treatment will be given the treatment in Mauritius by the visiting surgeons, etc.

The Deputy Speaker: Hon. Dr. Joomaye!

Dr. Joomaye: Thank you, Mr Deputy Speaker, Sir. One of the criteria stated by the hon. Minister is gross income of 50,000 Mauritian rupees, household income. I would like to know from the hon. Minister if he would not reconsider this criteria because we all know that treatment abroad cost sometimes several hundred thousand rupees, sometimes millions, and someone earning Rs75,000 or Rs100,000, it does not make a big difference, usually people cannot afford. So, I would like to ask the hon. Minister if he would not reconsider this decision and remove that gross income criteria from people to benefit from this Overseas Treatment Scheme.

Mr Gayan: Well, Mr Deputy Speaker, Sir, I just explained that, that particular requirement of Rs50,000 household income per month would not be applicable when the doctors are coming from overseas to treat these patients. They are not subject to these criteria. They are treated like any other patient.

Dr. Sorefan: Mr Deputy Speaker, Sir, cases of overseas treatment work well more or less with chronic cases that doctors say are inoperable in Mauritius, but there are certain cases that become very acute like brain surgery that I have mentioned here in this House. Doctors poke their hands in the skull and then suddenly see they can't do it. Can the hon. Minister set up a fast track mechanism whereby within two or three days a patient gets all the benefits to go abroad to have it done?

Mr Gayan: Mr Deputy Speaker, Sir, in fact, when I was looking at the new policy, I saw that a lot of the cases that were going overseas were neurosurgical cases and when I started investigating why that was the case, I was informed that we did not have the necessary equipment, the hi-tech equipment. So, we made arrangements for the hi-tech equipment to be procured and I do not know whether we will be able to do the operations now, but in case we can't, in order to save lives, the patients will be flown overseas, otherwise we will group the patients and get someone to come from overseas to operate in Mauritius.

The Deputy Speaker: Hon. Mahomed!

Mr Mahomed: Last year, there was one lady in my Constituency, Mrs R. B. who passed away because of gross medical negligence in the hospital and that was the subject of a PQ from hon. Dr. Sorefan this year.

Now, she was deemed not being able to treat in Mauritius and was supposed to go, but she was not able to go because she was not well at all. In such cases, even a single case, can there be a consideration for the doctors who were supposed to treat her overseas to come over for the sake of saving lives?

Mr Gayan: Yes, the policy works like that. Even if we have to save one life and we can get a doctor to come here, we will do it.

The Deputy Speaker: Hon. Uteem, last supplementary!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. I welcome the initiative of the Government to fly in a specialist to come to Mauritius. But may I also ask the hon. Minister whether there can be State to State or hospital to hospital agreements between Mauritius and hospitals elsewhere where a preferential rate can be given to patients who go and carry out operations outside of Mauritius?

Mr Gayan: Well, Mr Deputy Speaker, Sir, I understand the question applies to anybody wishing to follow treatment overseas. We already have arrangements with some

hospitals in India where they give us preferential rates. These are in pursuance of an MoU which we have with them, but that is still available to anybody.

The Deputy Speaker: Hon. Sesungkur!

**CONVENTION OF THE RIGHTS OF PERSONS WITH DISABILITIES -
COMPLIANCE**

(No. B/737) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the Convention of the Rights of Persons with Disabilities, she will state the measures been taken since January 2015 to date to ensure that Mauritius complies with the obligations contained therein.

(Vide reply to PNQ)

INSURANCE INDUSTRY COMPENSATION FUND - BENEFICIARIES

(No. B/738) **Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Insurance Industry Compensation Fund, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to the –

- (a) amount of funds injected therein since the date of inception thereof to date;
- (b) number of persons who have benefitted therefrom, and
- (c) quantum of money payable to the beneficiaries thereof.

(Withdrawn)

**COLLABORATIVE RESEARCH AND INNOVATION SCHEME & UNSOLICITED
RESEARCH AND INNOVATION SCHEME - PROJECTS**

(No. B/739) **Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Collaborative Research and Innovation Scheme and the Unsolicited Research and Innovation Scheme, she will, for the benefit of the House, obtain from the Mauritius Research Council, information as to the number of projects funded thereunder in each case, giving details thereof.

(Withdrawn)

NEOTOWN PROJECT

(No. B/740) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the Neotown Project, he will state where matters stand as to the implementation thereof.

(Withdrawn)

BANKS - FRAUD TRACKING MECHANISM

(No. B/741) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Technology, Communication and Innovation whether, in regard to the internet fraudsters and the recent cases of phishing reported by banks, he will state -

- (a) the fraud tracking mechanism currently in place to avert against such risks;
- (b) if the services of international experts to advise on these matters have been enlisted and, if so, indicate the names and profiles of the incumbents thereof and, if not, why not, and
- (c) the actions being envisaged by his Ministry to protect the reputation of Mauritius as a safe and secure place for doing business.

Mr Sinatambou: Mr Deputy Speaker, Sir, for the information of the House, I wish to point out that phishing refers to the fraudulent practice of sending emails portraying companies, usually reputable ones, to extract personal information such as passwords and credit card numbers online with a view to tricking organisations or individuals for monetary gains.

Since 2012 to date, 56 incidents of phishing have been reported by banks to the Mauritian Computer Emergency Response Team known as CERT-MU which is a division of the National Computer Board operating under the aegis of my Ministry.

With regard to part (a) of the question, I am informed that CERT-MU has developed a comprehensive guideline for the benefit of Internet users about precautions to be taken to avoid being victims of phishing.

The guideline provides technical measures such as the deployment of anti-spam filters to prevent users from receiving phishing emails. This guideline is available on the CERT-MU

website. I am also informed that extensive sensitisation campaigns on the precautionary measures are also carried out for the benefit of all Internet users. In addition, I am informed that the Bank of Mauritius and the Mauritius Bankers Association have issued their own guidelines to avert against the risk of phishing for the benefit of banking institutions in Mauritius.

I am also informed that the Bank of Mauritius issued a public notice on its website on 03 June 2016 cautioning the public and the financial community against phishing attempts through fake websites.

With regard to part (b) of the question, I wish to inform the House that it has not been necessary to enlist the services of international experts so far. This is because CERT-MU already collaborates with a number of international organisations involved in resolving phishing attacks. These organisations include the Anti-Phishing Working Group (APWG), which is based in San Francisco, United States and the Forum of Incident Response and Security Teams (FIRST) based in North Carolina, United States which regroups public and private Computer Emergency Response Teams throughout the world.

Moreover, Mauritius also gets assistance from the Council of Europe under the global action on cybercrime project to fight against cybercrime including phishing.

Mr Deputy Speaker, Sir, with regard to part (c) of the question, I wish to inform the House that the reputation of Mauritius as a safe and secure place for doing business is well entrenched in the digital world. As a matter of fact, we have the ninth best score in the world and rank first in Africa on the United Nations Global Cybersecurity Index.

However, in addition to the measures already in place, my Ministry is currently preparing a National Cybercrime Strategy. The Cybercrime Strategy will set out the Government's approach to fight cybercrime through improved law enforcement capability and effective criminal justice framework and active international engagement.

The Deputy Speaker: Hon. Sesungkur!

Mr Sesungkur: Thank you, Mr Deputy Speaker, Sir. Can I have an annual breakdown from the hon. Minister of the 56 cases and the monetary amount involved?

Mr Sinatambou: Yes, I have those details, Mr Deputy Speaker, Sir. For this year, we have had 6 phishing incidents; for last year, in 2015, there were 13 of them; in 2014: 17; in 2013: 9 and in 2012: 11. So, there is no substantial increase as such from year to year, but

I only have the number of phishing incidents. I must say that banks are more or less reluctant to disclose amounts if ever there is any because that will decrease their goodwill with their clients.

The Deputy Speaker: Next question, hon. Bhagwan!

CARDIAC CENTRE – NEONATAL CARDIOLOGY

(No. B/742) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Quality of Life whether, in regard to cases of emergency catheterization of neonates, he will, for the benefit of the House, obtain from the Trust Fund for Specialised Medical Care (Cardiac Centre), information as to if the Cardiac Centre is staffed with qualified registered medical specialists to attend thereto and, if so, indicate the respective -

- (a) names, qualifications and experiences thereof, and
- (b) date of recruitment thereof.

Mr Gayan: Mr Deputy Speaker, Sir, I am informed that emergency neonatal angiography or catheterisation is an extremely uncommon procedure and the need for this kind of operation arises once or twice in a decade with a population like we have.

I am further informed that the Trust Fund for Specialised Medical Care (Cardiac Centre) has never appointed any dedicated specialist for neonatal angiography or catheterisation as the number of such cases is very limited. Most diagnosis is done at the Centre by an experienced team of cardiologists using echocardiography. Even if a full-time specialist or consultant would have been appointed, he would unlikely be able to continue working because of the limited amount of work. In a country as large as India, they have less than 10 full-time experienced specialists in the field of neonatal cardiology.

Emergency neonatal angiography is an extremely, as I have said, uncommon procedure and we have had in the past doctors from overseas who have performed these operations on two occasions. At the Centre, we have an experienced team of cardiologists and I will give the names: Dr. Sookur who is an interventional cardiologist; Dr. Beeharry-Panray, anesthetist and Dr. Basu, cardiac surgeon. These Specialists have been there since 2002, 2008, and 2016 respectively.

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: Can I know from the hon. Minister how many such cases of newborns have been sent to India recently?

Mr Gayan: Well, I understand that just a couple of days ago there were two babies born with this kind of condition and the process is on to send them to India.

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: Prior to the termination of contract of Dr Reebye, he was in the team performing such type of emergency cases. Since his departure, this Trust Fund is not able to perform although they have the equipment and babies are sent to India?

Mr Gayan: Well, in fact, I did not want to say that, but since the question has been asked - in 2007, Dr. Reebye attempted a therapeutic catheterisation, but it was unsuccessful. In 2009, the same doctor, in presence of Dr. Agathe, performed the same operation and the child passed away.

The Deputy Speaker: Hon. Bhagwan, ask for permission to stand up!

Mr Bhagwan: I am asking.

The Deputy Speaker: Now, you are asking!

Mr Bhagwan: No, I have asked. Can I ask the hon. Minister whether he is aware that one newborn baby in our own Constituency of Beau Bassin and Petite Rivière - I won't give the name, it's family D. of Maingard - was sent to India last week and four days after her birth, passed away? We were being made to understand that she could have been treated at the Centre where there was equipment, but it was the Ministry's decision to send the baby with a doctor to India and unfortunately she passed away on the plane.

Mr Gayan: As I have said, each time this operation has been attempted in Mauritius, it was with the help of one Dr. Wojtalik from Poland and Dr. Agathe from Italy. It has never been performed only by our own doctors and I believe that in that case all the doctors concluded that it was best to send the baby to India, but unfortunately these things happen.

The Deputy Speaker: Hon. Dr. Joomaye!

Dr. Joomaye: Thank you, Mr Deputy Speaker, Sir. I would like to know from the hon. Minister whether, now that Dr. Santosh Reebye's contract has been terminated, he is planning to send one of the interventional cardiologists working in the Cardiac Centre for basic training in paediatric interventional cardiology?

Mr Gayan: Mr Deputy Speaker, Sir, we have an ongoing programme for the training of the specialists. Of course, we are identifying the people who will go, but in the meantime, as I have indicated in a reply to the previous question that we have foreign visiting teams coming to perform all these operations.

Mr Bhagwan: Can I ask the hon. Minister if a full enquiry could be carried out in respect of that baby Miss B of Maingard at Beau Bassin, who passed away on the plane where there were medical doctors of the Ministry of Health and Quality of Life? We still insist that such type of operations could have been treated in Mauritius if Dr. Reebye was there?

Mr Gayan: Well, I will certainly ask my officers to carry out an enquiry, but I am sure that when the doctors advised that that particular baby had to travel overseas, they were acting in their best professional opinion.

The Deputy Speaker: Hon. Jhugroo, last supplementary!

Mr Jhugroo: Can the hon. Minister confirm whether Dr. Reebye was on contract and, since when, and whether he was informed that his contract was going to end?

Mr Gayan: Well, from what I understand, Dr. Reebye had reached the retirement age a long time back. He was on contract for a number of years and since last year he had been informed that his contract would not be renewed, but he was given a month-to-month contract which was terminated.

The Deputy Speaker: Hon. Bhagwan, next question, please!

MAURITIUS TELECOM - BRANDING EXERCISE - EXPENDITURE

(No. B/743) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Technology, Communication and Innovation whether, in regard to the Mauritius Telecom, he will, for the benefit of the House, obtain therefrom, information as to the expenditure incurred in respect of the last branding exercise thereof, giving details thereof.

Mr Sinatambou: Mr Deputy Speaker, Sir, as the House is well aware, Mauritius Telecom is a company operating in a competitive business environment. As such, disclosure of details relating to the commercial policy of Mauritius Telecom may adversely affect the interest of a company.

I am sure that the hon. Member will appreciate that the branding exercise of a company is an internal matter which is part of its commercial management. He will, therefore, understand that I am not in a position to disclose the information sought.

Mr Bhagwan: Is there a representative on the Board of the Mauritius Telecom, if yes, who?

Mr Sinatambou: Yes, there is one representative who is the Ag. Permanent Secretary of my Ministry.

Mr Bhagwan: Can I ask the hon. Minister whether he has been made aware by the representative of the different process for this rebranding and whether he, as Minister, is aware of the sum paid to the company?

Mr Sinatambou: No, I am not. But I would like to say, however, that this approach towards non-disclosure of information relating to Mauritius Telecom is not novel to this Government. In fact, when the hon. Member himself was Minister, I have two parliamentary replies, one dated 24 October 2000 and one dated 23 March 2004, when the now Leader of the Opposition was respectively Deputy Prime Minister and Prime Minister of the country, where it was on both occasions stipulated that Mauritius Telecom is a private company incorporated under the Companies Act, that the information which is sought, if it relates to the commercial operation of the company, could not be disclosed because of its sensitive nature.

Mr Bhagwan: Can I ask the hon. Minister that, as Minister of Technology, Communication and Innovation, and having a representative of the Board, whether he is satisfied that money has been spent judiciously, and whether a Mauritian company had obtained the contract?

Mr Sinatambou: I am not aware, although I must also say that, at the time of the rebranding exercise, my Ag. Permanent Secretary was not yet a Member of the Board of Directors. However, I am sure that, as one of the most profitable companies of this country, money must be well spent at Mauritius Telecom.

HOTEL PROJECTS - APPLICATIONS

(No. B/744) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the hotel projects, he will state –

- (a) the number of applications received by his Ministry for the implementation thereof since January 2015 to date, indicating in each case the –
- (i) names or the promoters thereof;
 - (ii) location thereof, and
 - (iii) number of rooms thereof, and
- (b) if approval has been issued for the construction of additional rooms in respect of the existing hotels and, if so, give details thereof.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, since January 2015 to date, my Ministry has received five applications with regard to hotel projects.

I am tabling the information requested for in respect of parts (a) (i), (a) (ii) and (a) (iii) of the question.

As regards part (b) of the question, for the same period, approval has been given for three requests for extension and construction of additional rooms in existing hotels, namely: Le Palmiste for 19 rooms; Le Victoria Resort for 40 rooms and Belle Mare Plage for 21 rooms.

Mr Bhagwan: With regard to the construction of new hotels, will the hon. Deputy Prime Minister inform the House whether we can have the regions mentioned in the list where these hotels would be built?

The Deputy Prime Minister: Well, I think one has been approved, that is, in Trianon, Quatre Bornes and the other one is, in fact, in respect to a hotel residence that has become a hotel and that is in Pointe aux Canonniers. The other three have not yet been approved.

Mr Bhagwan: Can we know from the hon. Deputy Prime Minister the expected number of rooms from foreign construction and if these permits were to be approved, how many rooms would Mauritius sustain as at now?

The Deputy Prime Minister: Mr Deputy Speaker, I think we are wrong to say if the permits would be approved. They have not been approved. The permits that have been approved, I think about 150 rooms. The others are still under consideration. But, it is good to know that if we are to pursue our tourism development, last year it was 10%, increase in arrival this year, probably 10%. We will require additional rooms as from next year, and also

that there are insufficient rooms in the pipeline. So, we will require something like 600 rooms a year, at least, over the next three years to achieve maybe even 6% growth for the new arrivals.

Mr Jhuboo: Mr Deputy Speaker, Sir, can we know from the Deputy Prime Minister whether a study has ever been carried out by his Ministry on the critical number of tourists that we can accommodate for the critical threshold of the industry?

The Deputy Prime Minister: I am not aware whether there has been. Many, many years ago, one of my predecessors was talking about that, but he got wrong in terms of maximum number of tourists that we can accommodate. But, I must say, Mr Deputy Speaker, that the objective of Government is not just merely to increase numbers, but to increase revenue for tourists and we will really be emphasising that and that was the whole point of having the moratorium on hotel openings for the first two years which is now over. The end of the moratorium which has been brought forward was to make the point that we need to improve quality and revenue per hotel room.

Mr Uteem: Being given that in Mauritius we have a limited number of *pas géométriques* and because of the infrastructure constraints, has the Ministry carried out a survey and identified spots that can be developed into four star, five star hotels and then, at the second time, put that on options so that there is a transparency in allocation of these spots?

The Deputy Prime Minister: I must emphasise, Mr Deputy Speaker, that my Ministry does not allocate land for hotel projects. We can advise, we can give our opinion and, of course, we also need to ascertain from the hotel promoter what type of hotel he is going to construct, because eventually we will have to give the hotel operation permit, but we are never involved in the allocation of land itself, although I liaise with my colleague, the Minister of Housing and Lands.

Mr Ganoo: Mr Deputy Speaker, linked to this question of new hotel projects to accommodate the number of tourists which we are expecting in the years to come, has the Deputy Prime Minister or his Ministry taken any decision with regard to bungalow complex?

The Deputy Prime Minister: Bungalow complex is an interesting question, Mr Deputy Speaker. It depends whether the bungalow complex would be mainly for Mauritians or whether it would be a bungalow complex to be rented to foreigners and you would have to

make that difference. Certainly, for the latter, we will be very much in favour, but for the former, I think it is a question that needs to be debated further.

The Deputy Speaker: Hon. Dr. Sorefan, last supplementary!

Dr. Sorefan: Mr Deputy Speaker, Sir, may we know from the hon. Deputy Prime Minister, regarding all-inclusive tourists, whether there will be a policy for new hotels, that Government comes with a policy to let go this all-inclusive so that other stakeholders take part in financial gain out of these tourists coming to the hotels?

The Deputy Prime Minister: Mr Deputy Speaker, there have been various criticisms leveled at all-inclusive hotels, but the mere fact that we are restraining the number of hotel rooms means that the power now has been granted back to hotel owners. So, since by definition, these all-inclusive packages generate less revenue, one would hope that with the reduced, previously quite wild competition between hoteliers would cease and that the all-inclusive packages would be reduced in the future because, as I mentioned, there are less hotel rooms available.

The Deputy Speaker: Hon. Ramful, next question!

CARREAU ACACIA – PIG BREEDING - RELOCATION

(No. B/745) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Agro-Industry and Food Security whether, in regard to pig breeding, he will state if consideration will be given for the relocation of the farms located in the region of Carreau Acacia and in the vicinity thereof where activities in relation thereto are carried out, in view of the polluting nature thereof and, if so, indicate when and where will they be relocated.

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Mr Deputy Speaker, Sir, with your permission, I will reply to this question.

I am advised that the Ministry of Agro-Industry and Food Security is fully aware of the environmental problems associated with pig breeding activities in the region of Carreau Acacia and in the vicinity thereof, and measures are being contemplated for the relocation of these activities to a suitable site.

There are around 15 pig breeders operating within residential zones in the regions of Carreau Acacia, Camp Carol, Le Bouchon and Mon Trésor - Mon Désert, with a current headcount of 551 pigs.

I am further informed that consultations have been held with the breeders concerned and relevant authorities to find an acceptable solution to the issue. The consultation process is ongoing, and it is expected that a potential site will be identified in the South within the next few months for the relocation of the pig breeders.

Mr Ramful: I know that the Minister is not the substantive Minister, but may I ask him if he can inform his colleague Minister that there was a High-Powered Committee that was set up on pig farming back in 2001, and in that report it was suggested that if sites are going to be earmarked, those sites should be at least about 400 to 500 metres away from the residence? So, in case any site is going to be earmarked, could that be taken into consideration?

Mr Bholah: Well, from information available, a site has been identified at Le Val to the extent of some 83 *arpents*, which is under the control of Rose Belle Sugar Estate. This Ministry is currently seeking relevant clearances from different authorities to determine the suitability of the lot for pig breeding activities.

The Deputy Speaker: Hon. Jhugroo!

Mr Jhugroo: Is the substantive Minister aware that, with regard to this issue, there have been meetings carried out at the CAB of Plaine Magnien, meetings convened by my friend, hon. PPS Henry, myself and hon. Bobby Hurreeram, wherein decision had been taken not to go according to the previous report, as mentioned by hon. Ramful, at Mare Tabac, but to go to Le Val? That Committee, at that specific time, took that decision not to go to a residential area like Mare Tabac.

Mr Bholah: Yes, I...

(Interruptions)

The Deputy Speaker: Hon. Minister...

(Interruptions)

Hon. Minister, the hon. Member has taken a point of order. Let us listen to his point of order!

(Interruptions)

Mr Ramful: The hon. Member said that I mentioned the village of Mare Tabac. I have never mentioned the village of Mare Tabac! Can the hon. Member be asked to withdraw this?

The Deputy Speaker: Sorry, can the hon. Member repeat his point of order?

Mr Ramful: He said that I have mentioned the village of Mare Tabac.

The Deputy Speaker: Who said that?

Mr Jhugroo: I never said this!

(Interruptions)

The Deputy Speaker: Hon ...

(Interruptions)

Mr Jhugroo: Just to clarify, Mr Deputy Speaker, Sir. According to the report mentioned by hon. Ramful, it was mentioned to go to Mare Tabac. Following our decision taken, I think, last month, we decided to take this to Le Val.

The Deputy Speaker: Hon. Minister, please reply to the point of order!

(Interruptions)

Mr Bholah: Of course, Mr Deputy Speaker, Sir. I have gone through the minutes of the meetings that had been held, and the Committee resolved that Mare Tabac should not be sited for this project, and that is why I said that the latest information available is Le Val. But I went further to state that the Ministry of Agro-Industry is seeking relevant clearances from different authorities regarding the suitability of this project.

The Deputy Speaker: Next question, hon. Ramful!

GRADUATE TRAINING FOR EMPLOYMENT SCHEME – ENROLMENT

(No. B/746) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Graduate Training for Employment Scheme, she will state the –

- (a) eligibility criteria to benefit thereunder;
- (b) number of graduates –
 - (i) enrolled thereunder, indicating the number thereof who have obtained another employment thereafter;
- (c) names and addresses of those enrolled thereunder, and

(d) amount of funds disbursed thereunder as at to date.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, in my reply to PQ No. B/491 on the Graduate Training for Employment Scheme, I informed the House that the objective of the scheme is to enhance the employment prospects of unemployed graduates by providing them with skills as per the evolving requirements of the job market.

As regards part (a) of the question, the eligibility criteria are -

- (i) that beneficiaries should be holders of at least a degree;
- (ii) they should be unemployed, and
- (iii) that they should be registered on the HRDC database for GTES.

I wish to add that the selection is carried out by respective employers who undertake to recruit them after successful completion of the training as per contractual provisions.

With regard to part (b) of the question, I am informed that the number of graduates as at 07 July 2016 having enrolled and currently undergoing training is 76. I am also advised that action has also been initiated for the enrollment of some 157 graduates under the scheme, and this exercise will be finalised shortly.

All the graduates, after successful completion of their training programme, will be employed by their respective companies having selected them for the course.

In regard to part (c), I am tabling the respective names and addresses of those already enrolled under the GTES.

As to part (d) of the question, as at date, around Rs8 m. have been approved for disbursement under this programme.

Mr Ramful: Would the hon. Minister agree with me that this scheme is not bringing the expected results as far as mismatch is concerned, and what does the hon. Minister propose to change the situation?

Mrs Dookun-Luchoomun: In fact, Mr Deputy Speaker, Sir, the scheme is there to be able to help the unemployed graduates to get employment. Obviously, there is a database that has been registered at the level of the HRDC. These people are contacted, and they are then recruited by the private sector wishing to take them on board in their respective companies.

However, we have noted that, in spite of being called a number of times by the HRDC, many unemployed graduates refuse to join the scheme. Some of them join the scheme and later, on obtaining employment elsewhere, drop the training and go for employment. Obviously, this particular scheme is to enhance employability of unemployed graduates.

The issue of mismatch is being dealt with at the level of the training institutions along with the industry, and together they are collaborating and trying to come up with designs of new programmes so as to ensure that the mismatch issue gets reduced.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. May I know from the hon. Minister whether there is any incentive given to employers to recruit, as a matter of priority, people who undergo this Graduate Training for Employment Scheme?

Mrs Dookun-Luchoomun: In fact, the payment for the training is provided by the State, and we ask the employers to come and recruit from the lot of unemployed graduates that we have, they select the candidates and we send them for training. The training is paid by Government and a stipend is also offered to the participants.

The Deputy Speaker: Hon. Baloomoody!

Mr Baloomoody: The hon. Minister mentioned that after the training the employer undertakes to employ these trainees. May I know for how long they are trained and that contract of employment is for how long?

Mrs Dookun-Luchoomun: In fact, Mr Deputy Speaker, Sir, we have insisted that the private sector, the companies recruiting the candidates do recruit them after having successfully completed the course. Now, those who started the training started it in March 2015. They have not completed yet, but the companies are to take all these graduates on board after training, after successfully completing the course.

Mr Baloomoody: We know cases where these people are being exploited. After the training, they undertake to employ these people, but they employ them only for a short term. Having benefited for two years of their service as trainees, they employ them for a very short term. So, my question is: for how long is that contract of employment?

Mrs Dookun-Luchoomun: In fact, we have asked them to recruit them at least for a minimum of two years to start with. It will not be in the advantage of any company to take

time and select people, get them trained, give them training in their institutions or companies and then allow them to go. Government is providing the incentive by providing the training, by paying for the training and by providing stipend during the training. I do not think that any responsible company will take up trained individuals and then ask them to go and replace them by untrained individuals.

YOUTH EMPLOYMENT PROGRAMME - ELIGIBILITY CRITERIA

(No. B/747) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the Youth Employment Programme, he will state the –

- (a) eligibility criteria to benefit thereunder;
- (b) number of young persons;
 - (i) enrolled thereunder, indicating the number thereof who have obtained another employment thereafter;
- (c) names and addresses of those enrolled thereunder, and
- (d) amount of funds disbursed thereunder as at to date.

The Minister of Social Integration and Economic Empowerment (Mr P. Roopun): Mr Deputy Speaker, Sir, with regard to part (a) of the question, I wish to inform the House that Mauritian nationals aged between 18 and 30 years duly registered at the Employment Information Centres and on the Youth Employment Programme (YEP) database are eligible to benefit from this programme. However, the latter should have been unemployed for 30 days or more at the time of registration.

From the start of the programme in January 2013 up to June 2016, there have been 20,593 registrants who met the eligibility criteria out of a total number of 34,604 registrations. A total of 14,984 applicants have been placed under the YEP in the private sector and a further 1,004 applicants have been placed in the public sector.

Following a tracer study which the Ministry of Labour carried out among 909 private sector employers in June 2016, it is estimated that around 44% of those placed under the YEP have secured permanent employment.

As for part (c) of this question, the information will be placed in the Library of the House.

I am informed that, in relation to part (d), an amount of Rs268,531,471 has been disbursed, thereunder, for the period January 2013 up to June 2016. A sum of Rs21,447,000 has been disbursed for the YEP in the public service since its implementation in November 2015.

The Deputy Speaker: Hon. Ramful, next question!

PROFESSIONAL REGATTA PIROGUE LEAGUE - EXPENDITURE

(No. B/748) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the current edition of the Professional Regatta Pirogue League, he will, for the benefit of the House, obtain from the Mauritius Tourism Promotion Authority, information as to –

- (a) the amount of expenditure incurred in relation to the organization thereof as at to date, giving a breakdown thereof item-wise, and
- (b) if consideration will be given for a review of the prizes to be offered to the participants and to the winners in respect of the next edition thereof.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I believe that the hon. Member is referring to the National Regatta Professional League which is an event organised since 2015 as part of the Cultural and Sports Tourism Programme of the MTPA with the aim to provide on a regular basis a spectacular event for overseas visitors as well as locals.

I am informed by MTPA that since its introduction last year, 12 regattas have been organised so far, as follows –

- nine regattas in 2015 at a total cost of Rs814,212, and
- three regattas as at May this year at a cost of Rs309,464.

Regarding part (a) of the question, I am tabling the expenditure incurred in respect of each event item-wise.

As regards part (b) of the question, I am advised that the first three winners are given a price of a symbolic amount and a shield. For edition 2016, in addition to the cash prizes to winners, consideration will also be given to offer each participant a token amount in recognition of their participation and to encourage more entries to the event.

Mr Ramful: Can I ask the hon. Deputy Prime Minister whether he is aware that for the grand finale that was held on 20 December of last year, the cash prize that was proposed to the winner was Rs50,000 and the participants were also promised to be given a price of Rs10,000? I have received complaints from the association that had organised that activity together with the MTPA, that, apparently, the cash prize has not been paid yet.

The Deputy Prime Minister: I am not aware of the cash prize; it looks quite high, but I will look into it, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Gobin, next question!

DR. A. G. JEETOO HOSPITAL - AYURVEDIC CLINIC

(No. B/749) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the Region 1 within the catchment area of the Dr A. G. Jeetoo Hospital, he will state if consideration will be given for the opening of one Ayurvedic clinic thereat and, if so, when and, if not, why not.

Mr Gayan: Mr Deputy Speaker, Sir, in my reply to PQ B/183 of 10 March 2015, I informed the House that my Ministry is already providing Ayurvedic services at the following five health institutions, namely –

- (1) Belvédère Mediclinic;
- (2) L'Escalier Mediclinic;
- (3) SSRN Hospital;
- (4) Victoria Hospital, and
- (5) La Source Ayurvedic Clinic in Flacq.

As for patients living in health region one, within the catchment area of Dr. Jeetoo Hospital, they are already being served by the Ayurvedic clinic of SSRN Hospital.

I also wish to inform the House that my Ministry has already initiated necessary action for the provision of Ayurvedic services at the Mediclinic of Plaine Verte in the near future.

Mr Mahomed: In that same PQ No. B/183, which was from me, the hon. Minister said that the Ayurvedic services was to be dispersed at the Plaine Verte Mediclinic as from May 2015 and we hear today that it has not materialised yet. May we know why?

Mr Gayan: The reason is very simple, Mr Deputy Speaker, Sir. We have 14 Ayurvedic doctors, five of them are employed by the Ministry and the others employed in the private sector. Now, we are trying to see if we can use part of them on a sessional basis to service Plaine Verte.

The Deputy Speaker: Hon. Gobin, next question!

BOIS CHERI - COOPERATIVE STORES SOCIETY - BUILDING

(No. B/750) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Local Government whether, in regard to the ex- cooperative building situated at Cooperative Street, in Bois Cheri, he will state if consideration will be given for the vesting thereof in the District Council of Savanne and, if so, when and, if not, why not.

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Mr Deputy Speaker, Sir, at the very outset, I would like to inform the House that the building referred to in the question belongs to the Bois Cheri Cooperative Stores Society Ltd. In fact, the Cooperative Society currently owns a plot of land to the extent of 15 perches and one storey building with a floor area of 1,400 square feet.

In view of the financial difficulties, the Bois Cheri Cooperative Stores Society Ltd. ceased operation in September 2002.

In May 2009, at the request of the Development Bank of Mauritius Ltd. a notice was issued for sale by levy against the Cooperative Society for non-repayment of a loan contracted by the latter.

However, the Mauritius Consumers Cooperatives Federation Ltd. came to the rescue of the Cooperative Society and agreed to settle the debt towards the DBM Ltd.

In May 2009, the Registrar of Cooperative Societies, in accordance with section 47(10) of the Cooperative Act 2005, as amended, appointed the Mauritius Consumers Cooperatives Federation Ltd. as Caretaker Board for a period of 10 years.

In June 2015, a request was made by the Ministry of Local Government for putting the building of the Cooperative Society at the disposal of the District Council of Savanne to be used as a Village Council. The Caretaker Board did not propose to sell the land and the building, but instead was agreeable to rent the first floor of the building on such terms and conditions to be agreed upon by all parties concerned.

In November 2015, the Ministry of Local Government was informed accordingly.

Mr Gobin: May I know from the Minister, from November 2015 up to now, what has happened between the Ministry of Business and Cooperatives and the Ministry of Local Government, and whether there has been a coordination meeting involving the Cooperative Society, the District Council and other stakeholders? The reason I am asking this question is because this building has been unoccupied and unutilised ever since 2002, if I am not mistaken.

Mr Bholah: As I stated earlier, there is an agreement, if I can say so, that it may be rented to the Ministry of Local Government, but since November 2015 we have not had any reply.

Mr Gobin: May I know from whom was the reply expected?

Mr Bholah: Well, I do not have the information, but I presume that the letter has been sent to the Permanent Secretary of the Ministry of Local Government.

The Deputy Speaker: Hon. Lepoigneur!

BELLE ETOILE - ROADS RESURFACING

(No. B/751) **Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to Belle Etoile, in Beau Bassin, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if consideration will be given for a complete resurfacing of the roads thereat following the completion of the works being carried out for the replacement of the water pipes.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, I am informed by the Central Water Authority that as at date, two contracts for pipe laying works have been carried out in the region of Belle Etoile in Beau Bassin.

As per way-leave conditions obtained from the Local Authority, the CWA is required to carry out only trench width reinstatement of the roads.

The Deputy Speaker: Hon. Jahangeer, next question! I am sorry, hon. Bhagwan has a supplementary question. Hon. Bhagwan!

Mr Bhagwan: I have one supplementary on this question, Sir. Can the hon. Vice-Prime Minister, at least, state whether he has received representations with regard to the quality of work effected by the contractors of the CWA, post-repairs? Can we know whether

these contractors have performed according to the contract because the quality of work following pipe laying these days *laisse à désirer*? So, can the hon. Vice-Prime Minister, at least, see with the CWA to review the list of contractors where there have been failures to attend to what has been inserted in the contract?

Mr Collendavelloo: Well, generally, I have received certain complaints regarding these reinstatement works. One of them relates to Wastewater, which has been raised by the hon. Member himself by way of oral representations in one area of his Constituency. On each such occasion, I referred the matter to the Authority concerned in order to make sure that proper reinstatement is carried out.

Mr Bhagwan: If I can say, Mr Deputy Speaker, Sir, it is not only in my Constituency, generally when we go around, we see the reinstatement works effected by contractors of the CWA, be it on the main road or on the secondary roads, which *laisse à désirer; c'est un travail de cuit vider*. So, we understand that there needs to be some kind of repair!

(Interruptions)

I don't know what type it is. Sometimes, they make trenches on a road where there has been concrete asphalt and the repair is done by ordinary macadam. So, there is a real problem.

Mr Collendavelloo: I don't think we can generalise. I know, for instance, that in St Anne Road, it is as if a Boulevard, but ...

(Interruptions)

Royal Road, Curepipe and there are some areas where there have been problems and each time, as I have said, I have referred the matter to the Authority.

The Deputy Speaker: Hon. Jhugroo!

Mr Jhugroo: Thank you, Mr Deputy Speaker, Sir. After having listened to my friend, the hon. Whip of the Opposition that work is being done as *cuit vider*, not now but since many years, would the hon. Vice-Prime Minister, before issuing contracts, consider revisiting the specifications because the *cuit vider* work carried out since many years is really a problem everywhere in the country?

Mr Collendavelloo: Let me just say, I have looked at the contracts. The new contracts that are being made contain a two-step condition. First of all, they have to reinstate just the width of the trench in order to allow the soil to subside. After subsidence, after a certain period, which is stipulated in the contract, then they have to do the whole width of the

road. That is what I have seen in one of the new contracts which are being done. I am talking of Wastewater Authority; I will see what is happening with the Central Water Authority. Many of these have followed the old type of contracts which now have got to be revisited.

The Deputy Speaker: Hon. Mahomed!

Mr Mahomed: Yes, as regards the finished work post contract, as mentioned by hon. Bhagwan, may I suggest that the problem be taken up at the level of the approval from the engineer of the Central Water Authority and that due care and due diligence be exerted by the engineer in certifying the payment before it is issued. Because once payment is made, there is no coming back and the work will remain *cuit vider* in nature *ad infinitum*.

(Interruptions)

Mr Collendavelloo: Yes, of course, there is a problem at that level. We know what is the problem at that level...

The Deputy Speaker: Hon. Quirin, last supplementary!

Mr Quirin: M. le président, lors de l'ajournement des travaux parlementaires le 10 novembre de l'année dernière, j'avais fait état de ce problème juste après les travaux entrepris par la CWA à Belle Etoile en particulier. Peut-on savoir si depuis le 10 novembre de l'année dernière à ce jour qu'est-ce qui a été fait ou est-ce que rien n'a été fait pour remettre en état les routes à Belle Etoile en particulier?

Mr Collendavelloo: I had given instructions, I will look into it to see why Belle Étoile. I have gone to Belle Étoile because I have travelled in Belle Étoile also and I have seen the state of the roads, I have given instructions but we will see what has happened.

The Deputy Speaker: Hon. Jahangeer, next question!

CEB - COMBINED CYCLE GAS TURBINE - BID

(No. B/752) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the initial bid launched for the procurement of consultancy services for a Combined Cycle Gas Turbine, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the reasons why it has been cancelled.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, Sir, I am informed by the CEB that on 26 August

2015, it issued an open Expression of interest for Consultancy Services for the setting up of the CCGT plant at Les Grandes Salines.

It received proposals from 34 firms, out of which 15 were shortlisted. On 27 November 2015, it sent a Request for Proposal to the shortlisted firms and by the closing date, 9 proposals were received.

I am informed by the CEB that on the recommendation of the Tender Committee, it decided to carry out a fresh bid exercise and, this, for two reasons: One was that a deficiency had been noted in the bid documents. The second reason was that the site had been moved from Les Salines to Fort George. The deficiency was that the tender documents did not specify the number of bids which the Consultants were to appraise. As a result, the Consultants provided a fixed number of bids which they were to appraise, each Consultant providing a different number. This led to the Bid Evaluation Committee to find all the bids except one to be non-responsive. The Tender Committee ruled that on account of this deficiency, the exercise should be cancelled and a re-bid exercise conducted.

The new Request for Proposal was issued on 24 May 2016 and by the closing date of 22 June 2016, 9 bids were received from the same firms who initially submitted a proposal. The bids are being evaluated.

The Deputy Speaker: Hon. Leader of the Opposition!

Mr Bérenger: May I know whether in the new bid the site where this is supposed to take place is stipulated, that is, Fort George?

Mr Collendavelloo: Fort Victoria, I believe. Yes, absolutely, the new Request for Proposal is a plant at Fort George, Mauritius.

The Deputy Speaker: Hon. Uteem!

(Interruptions)

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. One of the terms of reference is for this Consultant to carry out a feasibility study to validate the project, the project being one which will run on light diesel oil and then be converted subsequently to liquefied natural gas. So, may I know from the hon. Vice-Prime Minister why are we already going after this consultancy and telling them that we plan to convert to liquefied natural gas when the committee set up by his Ministry to evaluate the feasibility of having LNG in Mauritius has not even submitted its recommendations?

Mr Collendavelloo: Well, we want to take all precautions. For the moment, we have not received the recommendations on LNG. So, we are carrying on on diesel awaiting the recommendations of LNG. If LNG is found to be commercially not viable, then we will continue on diesel.

The Deputy Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Mr Deputy Speaker, Sir. Is the hon. Deputy Prime Minister aware that there was a company selected, namely WorleyParsons by the Tender Committee and then was ultimately cancelled.

Mr Collendavelloo: This is what I have said. There was one company only that had been found to be responsive. Well, the name is WorleyParsons RSA of South Africa.

The Deputy Speaker: Hon. Jahangeer, next question!

(Interruptions)

CWA - ELECTRONIC WATER METERS - CALIBRATION

(No. B/753) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the mechanical water meters, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if the Authority is equipped for the calibration thereof, indicating if the implementation of a project for the replacement thereof by electronic water meters is being envisaged and, if so, indicate where matters stand in relation thereto.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, Sir, I am informed by the CWA that it does have equipment to test mechanical water meters of diameter 15 mm up to 65 mm for accuracy tests only. For calibration of meters, it must have recourse to the Legal Metrology Services.

As regards part (b) of the question, I am informed by the CWA that it is envisaging a pilot project for introducing automated meter reading for 5,500 customers and is now working on the technical details.

The Deputy Speaker: Hon. Jahangeer, next question!

NHDC HOUSING UNITS - HEALTH & SAFETY FACILITIES

(No. B/754) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard

to the new NHDC housing units, he will, for the benefit of the House, obtain from the NHDC Ltd., information as to if health and safety facilities are provided therein.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Mr Deputy Speaker, Sir, I am informed by the National Housing Development Co. Ltd (NHDC) that the new NHDC housing units are of duplex type and of an area of 50m². Each housing unit consists of a ground plus one structure with an internal staircase. The housing estates are provided with leisure and recreational facilities and green spaces to enhance the living conditions of the residents.

Furthermore, the NHDC housing projects are implemented after consultations and after having obtained relevant clearances/permits from all the Authorities concerned including the Ministry of Health and Quality of Life, the Local Authorities, the Mauritius Fire and Rescue Service, the Wastewater Management Authority, the Central Water Authority, the Central Electricity Board, the Traffic Management and Road Safety Unit and the Road Development Authority.

Mr Deputy Speaker, Sir, I wish to reassure the House that all necessary measures are taken to provide a safe and healthy environment to the beneficiaries of the NHDC housing units.

The Deputy Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Mr Deputy Speaker, Sir. Will the hon. Vice-Prime Minister consider having a fire extinguisher installed in each of these units in view of a recent accident that happened in one of the NHDC apartments - the price is low compared to the price of one unit of the housing project - plus a ramp for disabled people to go inside the house?

Mr Soodhun: We are doing our best instead of, as it was in the past, only one bedroom, now, we are coming with two bedrooms. We hope in the future. I don't think I have received any complaint about it, but I am sure what the hon. Member is telling is for the security of people itself. I think we are going to explain to the people of the danger. We might see to it how we can tackle this problem.

The Deputy Speaker: Hon. Mahomed!

Mr Mahomed: Talking about prices, can the hon. Vice-Prime Minister give us an indication about how much the social housing unit that he has just detailed will cost to the buyer?

Mr Soodhun: It will cost about Rs400,000. The house completely is Rs1.2 m. and the buyer will have to pay only Rs400,000 within 25 years.

MAURITIUS JUDO FEDERATION - MANAGING COMMITTEE

(No. B/755) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to Judo, he will, for the benefit of the House, obtain from the Mauritius Judo Federation, information as to if a new Managing Committee is in place thereat since Thursday 28 June 2016 and, if so, indicate the composition thereof.

Mr Sawmynaden: Mr Deputy Speaker, Sir, in a letter dated 29 June 2016 addressed to the President of the Mauritius Judo Federation and copied, among others, to my Ministry, Mr Rashid Jhurry, the Vice President of the Federation has apprised parties concerned that, at a meeting held on 28 June 2016, there has been a reshuffling of the post of the President of the Federation. Consequently, Mr Rashid Jhurry has been appointed President. I am tabling a copy of the letter dated 29 June 2016 along with the Notes of Meeting of the Managing Committee held on 28 June 2016.

It is to be pointed out that, at the Managing Committee of 28 June 2016, only 7 members - 4 elected and 3 co-opted were present, whilst the Rule 8(9) of internal rules of the Federation stipulates that the quorum of the Managing Committee to meet shall be 8 members.

I am tabling a copy of the internal rules of the Federation as approved by the Registrar of Associations.

It has also been noted that proper procedures have not been followed for the holding of the Managing Committee of 28 July 2016.

The views of the Registrar of Association have been sought on the matter and appropriate action will be initiated in the light of his views.

I am also circulating a composition of the Managing Committee.

The Deputy Speaker: Hon. Quirin!

Mr Quirin: M. le président, doit-on déduire par la réponse de l'honorable ministre que son ministère ne reconnaît pas ce nouveau comité directeur, c'est-à-dire, la nouvelle composition du comité directeur de la Fédération de Judo?

Mr Sawmynaden: Mr Deputy Speaker, Sir, as mentioned in Rule 8 subsection 9, there should be 8 members to have the Managing Committee and in the committee that was held by the Vice President, only 7 members were present and among the 7 members only 4 were elected and 3 co-opted. That is why the views of the Registrar of Association have been sought and in the light of this we will decide.

Furthermore, I have a letter from the ACNOA dated 21 December 2015, addressed to the President which states as follows -

“Kindly be informed that I have also been directed by General Palenfo, the President of the ACNOA, to inform you and your committee that no changes in the presidency of the Mauritius Judo Federation will be accepted by the African Judo Union until the end of the Summer Olympic Games to be held in Rio in 2016. Failing which the African Judo Union reserves the right to take appropriate actions against the Mauritius Judo Federation.”

The Deputy Speaker: Hon. Quirin!

Mr Quirin: M. le président, l'honorable ministre a fait référence à une lettre de l'ACNOA, qui comme nous le savons tous, est un regroupement des différents comités olympiques. De ce fait, est-ce que l'honorable ministre peut nous dire s'il trouve normal que cette organisation puisse intervenir dans le fonctionnement de la fédération mauricienne de Judo ? Comme l'ACNOA n'est pas la Fédération Internationale de Judo ni l'Union Africaine de Judo, est-ce que l'ACNOA a les pouvoirs d'intervenir dans le fonctionnement de la fédération locale de Judo?

Mr Sawmynaden : In this case, Mr Deputy Speaker, Sir, the main point is that at the Managing Committee which was held, only 7 members were present and the Rule states that a minimum of 8 members should be there to have the Managing Committee. So, let us wait for the views of the Registrar of Association.

Mr Quirin: Si j'ai bien compris, M. le président, l'honorable ministre veut attendre le point de vue du *Registrar of Association*. Mais ma première question était : est-ce que le ministère des sports - de par ce qui s'est passé, qu'il n'y avait pas le quorum requis stipulé

par la loi – à ce stade reconnaît ou pas la nouvelle composition du comité directeur ? C'est cela que j'aimerais savoir tout d'abord.

Mr Sawmynaden : So far that nothing has been in order, we recognise the previous committee which was duly and democratically elected.

Mr Quirin: M. le président, est-ce que l'honorable ministre est au courant que durant ces huit derniers mois, il n'y a eu aucune réunion du comité directeur de la fédération et que depuis quelque temps cette discipline piétine. Je pense qu'il est grand temps que le ministère de la Jeunesse et des Sports décide à mettre bon ordre au sein de cette fédération, au sein de cette discipline.

Mr Sawmynaden: Yes, that's what we are doing. So, we will wait. Because one is saying that they have been sitting, the other group is saying that they have not been sitting. Let the Registrar of Associations come with his views and from there we will take all actions. But, we will need to take into consideration that the Olympic Games are just behind the door and we have one judo who is qualified and we don't want any actions that can lead to be suspicious.

Mr Jhugroo: Est-ce que le ministre serait d'accord avec moi si le président et les membres d'une fédération ne fonctionnent pas c'est leur devoir d'assumer leur propre responsabilité ? Quand le ministère va s'ingérer, on viendra dire que le ministère est en train de s'ingérer dans les affaires des fédérations.

Mr Sawmynaden: Je suis tout à fait d'accord avec le *Whip* de l'Opposition. Actually, at the Ministry...

(Interruptions)

Le *Whip* du gouvernement.

(Interruptions)

C'est que the question is always on this side. Actually, he is doing their job.

Définitivement, le ministère ne s'ingère pas dans les affaires de la fédération, mais quand il y a des soucis, si, on va voir comment régler le problème.

The Deputy Speaker: Hon. Members, time is over! I wish to inform the House that PQ B/761, B/764, B/757 and B/758 have been withdrawn! Time is over!

MOTION**SUSPENSION OF S.O. 10(2)**

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to

(4.16 p.m.)

STATEMENT BY MINISTER**BAI SUPER CASH BACK GOLD & BRAMER ASSET MANAGEMENT LTD.
– POLICYHOLDERS - REPAYMENT**

The Minister of Financial Services, Good Governance and Institutional Reforms (Mr R. Bhadain): Mr Deputy Speaker, I wish to make a statement on repayment effected to date to victims of BAI Super Cash Back Gold and Bramer Asset Management Ltd. As the House is aware, the measures put in place by Government have initially safeguarded 135,283 life insurance policyholders of the ex-BAI and 50,524 depositors who had their money in ex-Bramer Bank.

Subsequently, the cases of Bramer Asset Management Ltd. and Super Cash Back Gold have been dealt with. Mr Deputy Speaker, after payments effected during the last couple of weeks, the situation is as follows –

With regard to 'Bramer Asset Management Ltd':

3,177 investors were eligible for repayment and to date 3,152 cases have been finally settled. The remaining 25 persons are not in Mauritius and will collect their cheques in due course. Mr Deputy Speaker, this brings finality to these Bramer Asset Management Ltd. cases.

With regard to 'Super Cash Back Gold':

A total of 16,341 policyholders had invested in the SCBG Scheme of which 16,287 are eligible for repayment.

To date:

- 11,222 policyholders with less than Rs1 m. have been fully paid and settled; 179 persons have not collected their cheques and will do so in due course. This, Mr Deputy Speaker, brings finality to 69% of all investments in Super Cash Back Gold, which have now been settled.

As regards policyholders who invested in policies ranging from a sum of Rs1 m. to a sum of Rs116 m.:

- 2,289 policyholders elected for Option 1, i.e, to have their initial 'Capital only' repaid over five years and 1,531 have been paid their first 20%. 675 policyholders will be paid via bank transfer by tomorrow, bringing the total paid to 2,206. The remaining 83 policyholders will be collecting their payment in due course upon completion of outstanding formalities.
- With regard to 2,064 policyholders who elected for Option 2 – i.e. to have 75% of their investments repaid, without deduction of any bonus received and they have been paid half immediately and half will be paid in 3 years' time. Out of these 2,064 eligible policyholders, 1,386 have been paid their dues to date. An additional 139 will be paid by the NPFL via bank transfer by tomorrow bringing the total paid to 1,525. The remaining 539 policyholders will be collecting their payment in due course upon completion of outstanding formalities.

Mr Deputy Speaker, suspicious cases have been referred to the Financial Intelligence Unit for verification of source of funds and the figures are as follows -

212 suspicious cases of Bramer Asset Management Ltd. and 533 cases of 'Super Cash Back Gold' were referred for analytical work with regard to source of funds and as at date -

- 148 cases have been dealt with and referred back to National Property Fund Ltd.;
- 89 cases of 'non-residents' will be referred by the FIU to appropriate authorities for further verification work;
- 5 identified cases of suspected 'unexplained wealth' have been referred to the Integrity Reporting Agency, and

- 503 cases are being scrutinised and as and when each case is cleared, it will be referred back to NPFL for payment to the respective investor and/or policyholder.

Mr Deputy Speaker, I am also informed by the FIU that out of these cases currently being scrutinised, several cases have revealed -

- (i) suspected laundering of proceeds derived from criminal activities including breaches of the Dangerous Drug Act, the Copyright Act, and PoCA;
- (ii) suspected tax evasion, involving under invoicing to avoid import duty under the Customs Act;
- (iii) suspected use of 'prête-noms' and unexplained wealth under the Good Governance and Integrity Reporting Act.

Mr Deputy Speaker, the repayment of the policyholders and investors have been done as promised by Government.

PUBLIC BILLS

First Reading

On motion made and seconded, the Protection of Elderly Persons (Amendment) Bill (No. XV of 2016) was read a first time.

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

At 4.24 p.m. the sitting was suspended.

On resuming at 5.04 p.m. with Madam Speaker in the Chair.

Second Reading

THE INDEPENDENT POLICE COMPLAINTS COMMISSION BILL

(No. XIV of 2016)

Order read for resuming adjourned debate on the Independent Police Complaints Commission Bill (No. XIV of 2016).

Question again proposed.

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Madam Speaker, let me at the outset make it clear that we, on this side of the House, in the MMM, do not agree with that Bill. It is not that we don't agree with the contents of the Bill because the

contents of the Bill are exactly what they were when we voted the Police Complaints Division under the Human Rights Act. What we do not agree is that there is nothing new fundamentally in that Bill. It is mainly a desperate rebranding exercise; rebranding the Police Complaints Division, which was under the Protection of Human Rights Act, into a Police Complaints Division. Nothing new fundamentally, nothing new to give more credibility to a police complaints watchdog!

In fact, the Rt. hon. Prime Minister himself, when moving for the second reading, when it comes to Part III of the Bill, which regulates both the functions and the procedures regarding investigation which are the two most fundamental sections of the Police Complaints Act, had this to say -

“Part III of the Bill regulates the functions and powers of the Commission as well as the procedures regarding the conduct of investigations and hearings (...)”

Conduct of investigations and hearings!

“(...) which are the same as that of the current Police Complaints Division.”

So, the fundamental work of that Division remains the same! We are only rebranding the name and, of course, it is very sad that we are missing a golden opportunity. Why do I say that? Because after two years of running of that Commission, there have been several recommendations by the Human Rights Commission itself with regard to that Division, on which I will come later. We should have taken this opportunity to have them on board.

When we voted the Police Complaints Act, it was based on the Independent Police Complaints Commission (IPCC) of England. Now, in England, there are several debates about that IPCC. There is a debate still going on, and the Government intends to amend the IPCC Act to take on board some of the new recommendations in view of their failures and also the belief by the public that this institution protects the Police. I will come later on how again, here, in our Police Complaints Act and this Police Complaints Bill, it favours the Police rather than the complainants.

So, Madam Speaker, one would have expected consultation when it comes to that Bill, because for the Police to be credible, the watchdog of the Police must be more credible, more independent, more transparent, and the public must have confidence in that Complaints Commission to have confidence in the Police. But, unfortunately, it would seem, according to my information, that there has been no consultation whatsoever with the stakeholders. I know for a fact that the Bar Council was not consulted. I know that the NGOs which fight for

human rights were not consulted. And it looks like - because their recommendations have not been taken on board - even the Division of the Human Rights Commission was not consulted. It is a plain exercise of changing a name. Just because it was in the manifesto of the alliance Government, they just come and say, 'we have now created an independent Police Complaints Commission'!

When you look at the list of Members who are going to intervene, it is as if we are creating a new institution, a new *bebête*, when, in fact, it already exists! We are just changing the name. I will come in detail to show how, in fact, there is nothing new in this Bill. We are talking about an important institution; the Police. The Police have a unique position in society, with powers to interfere in the life of the public and responsibilities to act independently to uphold law. Inevitably, at times, this places them in a position of dispute and conflict and will lead to complaints by members of the public. A number of these complaints may lead to allegation of criminal conduct by those who are charged with upholding the law.

So, in view of this power of the Police, they must be accountable for their acts and doings and there should be an independent method of accountability. This is particularly true today when the image of the Police officers' actions is the subject of persistent media and public scrutiny. Today, we know that the way the Police have acted - I would say honestly - in the last few years but more since this Government, has given the Police a very, very bad reputation! The respect for the Police today is at its least, to say the most, for their acts and doings. I will come to certain cases and we will see.

We know as a fact because central to Police accountability is the mechanism for investigating complaints. If citizens are to have confidence in the Police Service as a whole, they must feel that when they complain about individual instances of Police misconduct, their allegation will be investigated thoroughly, impartially and within a time frame. The time frame is important, because later I will come to show how the Police are protected under the law and how, unfortunately, this Bill does not correct this protection that the Police have under the law that we have now.

On the whole, we know that citizens are reluctant to complain about the Police. This reluctance could be due to a number of factors. Complaints against the Police have a low rate of success. We know that. We have been asking questions in this House so many times on how many Police officers have been prosecuted, how many convictions. Zero! And we know

that there are over 500 allegations! We will see the statistics later. But the system itself is flawed. The system does not lead to the satisfaction of the citizens.

Madam Speaker, like I said, much has been said over the last decades about Police brutality and we have had several Police complaints. Previously, we had that Police Complaints Bureau, which was the Police investigating themselves. And we know how Police brutality practice boomed during that period. We know the episode of Raddhoa. We know the episode of the MCIT. We should not forget that. It has happened in our country. The case of Raddhoa, the MCIT, the Desmarais couple, how they were arrested. Even Mr Cehl Meeah, how he was arrested and brutalised. But, up to today, there is nothing, even though we have had all these complaints, because one of the main elements which is not in that Bill and about which we have asked many times is the protection that Police officers have under the Public Officers' Protection Act, that you cannot sue them after two years. So, they can get away with murder after two years! And they do get away with murders too! So, there have been many talks about it, and we have always asked to have an independent police complaint and we have always asked that the time limit - on which I will come later - of two years to prosecute Police officers, should be withdrawn. When we will come to compensation, I will come to that again.

Let us come to the Bill before this House today. Like I said, this Bill replaces the Police Complaints Act. It repeals the Police Complaints Act, which was voted in this House in 2012 and came into operation in 2015. The Police Complaints Act is repealed. When we compare the two, like I have said, they are the same. But what is more unfortunate - and like I said, it is a missed opportunity - is that we have kept the bad elements in the law of 2014. We have repeated them although experience has shown that they do not work. They are an obstacle to the inquiry. Let me refer to section 4, Functions of the Commission -

“The Commission shall -

investigate into a complaint made by any person or on his behalf against any act, conduct or omission of a police officer in the discharge of his functions (...)”

Now we say that during the investigation, not the hearing, a person may refuse to answer any question, to provide any information or to produce any article or document which will incriminate him. This was in the Police Complaints Act, and we know this was the main obstacle which the Commission had. It could not inquire because the Police were not

disclosing documents, were not disclosing information, they were not producing any document or any article because they said this would incriminate them.

But what about this dissemination? Why should the Police have this protection at the inquiry level? He may have his right of silence when he comes to the hearing. This is his constitutional right. But, at the enquiry level, he is not allowed to disclose the information! When we know the trend today in the Court, the recent judgment of Mr Bernard Maigrot states about disclosure! You should disclose all the documents. The Prosecution should disclose all the documents. Now, if the Prosecution does not get documents, if that Commission does not get documents from the Police or from other institutions, how can they conduct the enquiry? When you look at the statistics, you will see that there are around 258 enquiries pending in the 2015 Report. How do you expect them to enquire if you tie their hands by telling the person from whom they are going to enquire: 'You can stay quiet. You do not have to produce documents. You do not have to produce your private diary. You do not have to tell us whether you were with the accused be it in a Police station in Midlands or somewhere around or in an abandoned house beating him. Where you took the accused, you do not have to tell us.' And you expect them to conduct an enquiry fairly! You expect the Commission to function!

In England, they had that provision, but now, they are using the section on the Terrorism Act to compel persons to come and give evidence if it is in the interest of the enquiry. You have what we call there, the equivalence of Terrorism Act, which compels people to come and depone at the enquiry. But here, we are telling these officers: 'You do not have to come. You do not have to cooperate.' There will be no collaboration whatsoever between the Police and that Commission which will lead to any investigation.

Let us look at the second one. We know that there are institutions which enquire and compel us to bring documents. If tomorrow the MRA wants to assess you, it tells you to bring all your accounts, accounts of your wife and children, your passport and theirs too and you are compelled to do so. If you do not do so, it is an offence. Let us take the Labour Office. If the Labour Office tomorrow wants to prosecute an employer, that employer is compelled to bring the books of his worker, to bring documents showing his salaries and details thereof. But, will these documents not incriminate the employer? He might be tried before a Court of Law based on the documents produced. Why should not the Police produce these documents when we know, and experience has shown that this has been an obstacle for the Commission? It will be an obstacle again for the Division. Like I said, in England, they

have the Anti-social Behaviour Crime and Policing Act of 2014, which amends the IPPC Act, compelling certain people to come and depone.

Now, there is the investigation. One of the main problems in the previous law was that the Commission cannot investigate for a complaint which takes place after one year. Why one year? Again, we know that a lot of complaints have been rejected because the complainant has gone there one year after but, very often, you learn about it probably later or he has not been advised because, now, we are talking about '*ti-dimounes*'. We know that the majority of these people who are brutalised by the Police do not know their rights and they do not know where to go. But, why give them that protection of one year? We know that in England and in many countries it is any time. I will come to the question of prescription later. You can go and make a complaint now, today, in England. On 'The Guardian' there is an article which mentions that the Police Complaints Commission is taking upon itself to investigate cases of Police cover-up in paedophile cases of 30 years ago. Here, your complaint must be in writing. Why can't the Commission take it upon itself, if there is a complaint? In England, there have been so many riots, especially when we know that the minority feels that their rights have been tampered with by the Police. But the Commission takes upon itself to investigate, to call the Police officers to bring their books and why did they shoot. Here, it must be a written complaint.

Another question which is important is the question of identity. The Division of the Human Rights Commission has asked to allow them to identify people. 90% of the Police officers in the Police Station do not wear their badge with their name and rank. They do it on purpose, although it is a breach of the law. I asked a question to the Rt. hon. Prime Minister a few months ago with regard to same and he said that action will be taken. On Friday I went to a Police station; four out of the six Police officers on duty did not have their badge. How do you want people to identify them? And we know the practice used by the Police even if they think you will identify them: they put *cagoules* on their face. We know of the Demarais case which was before the Supreme Court. We know how the couple were taken in a house, God knows where in Triolet, beaten up; the Police wore *cagoules*. So, how do you identify them? Now, it will be worst. If you ask them where they were that night, they will not answer. If you ask them to bring the occurrence book to see their movements, they will not produce. They have a right not to produce. What will you enquire?

Now, let me come to that very important issue of prescription of two years. You can report an offence which took place only one year before. There is no time frame in the

previous law and this law with regard to the Independent Commission, how long it should take to investigate. After the investigation, the file is sent to the DPP. Once the file is sent to the DPP, God knows how long it will take and when it will come to Court. What does the law say? Section 4 of the Public Officers' Protection Act 1957 says—

- “(1) Every civil or criminal action, suit, or proceeding, by a person, other than the State, for any fact, act or omission, against a –
- (a) public officer (...);

We are talking of the Police.

“(...) shall, under pain of nullity, be instituted within 2 years from the date of the fact, act, or omission which has given rise to this action (...).”

Why should the Police have this protection of two years of the date of the fact? If he has committed a criminal offence, okay, the State will prosecute. But what if a civilian wants to take a civil action? He can't do that after two years! How will he know about the outcome of the enquiry? He has reported it, let's say on the 11th month. There is no time limit as to how long the Commission should take to investigate the case. By the time he gets to know about the findings of the Commission, the two years are over and you cannot prosecute that Police officer. So, why should the Police officer have this protection? Why can't this be applied to the Police Officers who breach their Standing Orders? Because these Officers are supposed to be acting in the performance of their duty. Now, these Officers don't bother because even if you manage to prosecute within two years and you win your case, who will pay that? Not the Police Officer! Taxpayers' money: you, me, the Rt. hon. Prime Minister, the hon. Leader of the Opposition. We will all contribute to pay the compensation to the civilian.

Why should they have that second protection? If tomorrow we take an insurance policy, your insurance policy has got different clauses and in case you breach one of the clauses, your insurance policy does not apply. You are personally liable. But if the Police Officer in his uniform, he beats people, he tortures people, he is covered. In the case of Desmarais, Government had to pay Rs800,000. Taxpayers' money! I don't know how much. In the case of Kaya: Rs7 m.; Ramlagun: Rs5 m. These Police Officers, have they been made liable, have they contributed? This is why they feel protected; they don't have to say anything to the Commission from beginning to end. They have two years protection from the Public Officers Protection Act and in case they have to pay damage, it is not their money.

So, all these things should be taken into account if truly we want to have a respectable Police Force. They have to be accountable personally; the procedure should make them accountable in case they breach their regulations, their Standing Orders.

Now, let's come to the issue which is of much *actualité*. I will say this one since this Government has been in power. Arbitrary arrest! I remember when I addressed the House on the Human Rights Bill, on the Police Act, on the Human Rights Bill especially I could not understand why the Human Rights Commission took it upon itself saying that they cannot investigate in cases of arbitrary arrest. Lodging of provisional charge just for the sake of lodging provisional charge and you know, at that time, we went to answer that the law does not allow them to do it. The Human Rights Commission apparently took it upon itself and the law does not allow us to do it. Even this Commission, the Police Complaint Division of the Human Rights Commission in both reports, 2014 and 2015, they made recommendations, they talked about provisional charges but between the lines, they made it clear that they don't have the power. The law does not allow. We know of the abuse there has been recently with regard to arbitrary arrest by the Police, some with political motive, some for a personal vendetta and some with just the zeal of the Police Officer.

May I refer to a book - I don't know whether you will allow me because the author is not allowed to be in this House - of Touria Prayag. A recent book made in very interesting reading about "Provisional Charges – The untold human stories". This book makes reference only to much publicised cases. We, as Barristers, we know the number of cases where there have been provisional charges lodged just to either please the Authority or for the Police themselves to satisfy their own - this is what she had to say in the forward -

"These are some of the better known cases documented here but there are quite certainly dozens, may be hundreds of other cases of anonymous citizens being generated quite casually every year".

Talking about provisional charges –

"This book is about arbitrary arrest and the abuse of Police through the provisional charge practice. The stories are about their fears, their pain, their loss of privacy and, most importantly, their humiliation".

She said there are many cases which are not in this book but this one deals at least with some known cases.

“They were jailed, humiliated, stripped naked by the Police, had had their most intimate parts examined, slept in conditions unfit for human beings even before a Court of Law heard the charge against them. It is a book by them, for them and for you to help them obtain the justice they yearn for that of ensuring genuinely independent institution where the Police and all other arms of the State serve the State and the People, not the whims and fancies of the Government in power, where citizens are treated justly and equitably irrespective of their political leading, their occupation, faith, origins and colour”.

So, this book makes a list, there is a lot of them, it is good to say a few of them because I remember the young son of Mr Mahen Utchanah, how he was forced to spend one night in jail until a provisional charge was lodged the next day. You have the case of Utchanah, you have the case of so many, the Rawat. The Utchanah was, in fact, the father and the son. Shakeel Mohamed himself, the Vikram Bhunjun ...

(Interruptions)

Hassam Vayid, Yatemani Gujadhur, Shivananda Poolay Mootien, the Rawat daughters, all these provisional charges have been struck out by the Court of Law.

(Interruptions)

It has not happened to you, I hope it does not. But one day if it will happen to you, you will know what you are talking about.

Madam Speaker: You are stretching out, hon. Baloomoody!

Mr Baloomoody: Having been charged, detained just for political reasons.

(Interruptions)

Madam Speaker: Hon. Jhugroo, don't interrupt!

Mr Baloomoody: Or without committing any offence.

(Interruptions)

Madam Speaker: Hon. Jhugroo! I am talking to you. Don't interrupt, please!

Mr Baloomoody: Tell him not to interrupt me as well, Madam Speaker. So, these are the important things which are missing in that law. We should have given the power to that Commission to investigate cases of arbitrary arrest and abuse of provisional charges. So, what I am saying today is that there is nothing new in this law; nothing new which will help

the poor citizens to have redress. Madam Speaker, as a fact, our Police Force today is becoming more and more powerful and less and less accountable. The Police today is simply much too powerful and has been made so powerful by the presumption that they can act with impunity with the backing of the Authority. I have just listed many cases of abuse; I have just shown how this Commission will not redress the situation, will not bring confidence in the Police. It is simply a rebranding exercise. It would seem by the way I see the reaction of the Member of the Government - some Members I must say. Especially those who practise at the Bar know what I am saying is a fact. It would seem that this Government prefers the *status quo*.

(Interruptions)

As it suits their purpose; the *status quo* today as it suits their purpose.

Let me quote an article which appears in 'The Guardian' where an MP was asking for the powers of the IPP to be reviewed in UK. I quote -

"The last European country to have a Police Force like ours was Germany in 1993. Six years later, Germany's Police Force had been transformed and the Gestapo was terrorising civilians. It should be noted that nearly all the Gestapo officers had previously been ordinary policemen."

Madam Speaker, I hope that Government will see to it that the new Commission that we are having will be independent, accountable, transparent, but more or less will be given sufficient manpower to address the issue. But unfortunately, as I said, their powers are limited. The most important abuse of the Police will not be investigated and will not be addressed. The fact that the Police have this protection of two years, they will get off scot-free. They know that they won't be tried for murder after two years whilst we, civilians, can be tried after two years.

I rest my case here, Madam Speaker, sad to say that it is a lost opportunity. We could have a very important institution, bringing confidence in that watchdog and most importantly bringing confidence in the Police Force whose confidence is at its lowest today.

Thank you, Madam Speaker!

Madam Speaker: Hon. Gayan!

(5.36 p.m.)

The Minister of Health and Quality of Life (Mr A. Gayan): Madam Speaker, I have been listening very intently to the hon. Member who just spoke before me and, in fact, when the Police Complaints Bill was introduced in July 2012, he was the first one also to address the House in the name of the Opposition.

The hon. Member has made a lot of section 4 (2) of the Police Complaints Bill which gives to the police the right not to answer any incriminating questions. This is what the Constitution provides and this is reproduced in clause 5 (2) of the Bill and I quote -

“A person may refuse to answer any question, to provide any information, or to produce any article or document, which would incriminate him.”

This is pursuant to section 10 of the Constitution and the hon. Member finds a lot to say against that. In 2012, when he spoke on the Police Complaints Bill, he didn't say a word on that particular clause of the Bill. In fact, the hon. Member said and I quote -

“Mr Deputy Speaker, Sir, let me, at the very outset, state that on this side of the House, we welcome the three Bills.”

One of them was this. If, in fact, it was a problem in 2012, it should have been aired then and action taken then or the hon. Member could have introduced an amendment.

(Interruptions)

Madam Speaker: Order!

Mr Gayan: So, it is all very well after a couple of years to come and say that this Bill is just a question of rebranding. And what has the hon. Member said about rebranding of this Bill? In fact, the hon. Member mentioned the United Kingdom where there is no time limit for a person to make a complaint against the Police. I have just been checking whether this is correct and I see from one of the articles on the Internet what is the time limit for complaining about the Police. There is no time limit for making a complaint against the Police. However, it is best to do it as quickly as possible after the incident happened. If you complain more than 12 months after the incident, the police may decide not to investigate.

(Interruptions)

They decide not to investigate and the reason given is that too much time has passed. If you explain why it has taken you this long to complain, they may decide to investigate your complaint, however this is not guaranteed.

(Interruptions)

Madam Speaker: Hon. Baloomoody!

(Interruptions)

Mr Gayan: So, we have to be balanced.

(Interruptions)

Madam Speaker: Please, you have already spoken.

(Interruptions)

Mr Gayan: In fact, the hon. Member also quoted from a book and all the names that he gave about the Police using its powers to arrest – arbitrary arrest, we call them - happen to be the names who belong to a particular political group or political leaning. In fact, you, yourself, Madam Speaker, have been subjected to arbitrary arrest.

(Interruptions)

Madam Speaker: Please!

Mr Gayan: The Minister of Finance and Economic Development, hon. Pravind Jugnauth, our colleague, the hon. Minister of Youth and Sports, hon. Soodhun and so many others.

(Interruptions)

Why doesn't that particular book mention these cases? We do not want ...

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Mr Gayan: When ...

(Interruptions)

Madam Speaker: Order! Order, please!

(Interruptions)

Mr Gayan: When people come with an agenda, Madam Speaker, at least they should disclose the agenda. Hiding behind a book without disclosing the agenda is not honourable

and we should, as hon. Members, at least in this House, live up to the high standards that we expect of everybody in this House.

(Interruptions)

I wanted to say these things because it is very easy, when you are discussing a Bill of this nature, to get carried away by all sorts of views about the Police, but the Police happen to be a very important institution in any country. Not only in Mauritius, but all over the world the Police have a role to play. As Law Enforcement Authorities, they are there to protect the public. They are there to prevent harm to any person. They have to enforce the law. They have to be law abiding and, as rightly said by hon. Baloomoody, they are dealing with cases which are at times very difficult. Only last week, in the United States, Madam Speaker, there was a case of a Police officer shooting at a black American. What happened? There was a public outcry. There were protests and then a black sniper belonging to the US Army shot five Police officers. As I am speaking today, in Dallas, President Obama and President Bush are holding a memorial in the names of these five Police officers.

When we are too critical of Police officers, we run the risk of creating a frame of mind, a mood in the public that may be damaging, not only to the country, to the institution, but to society at large. So, this is why I say when we discuss a Bill of this nature, we have to be very careful about what we say, how we say it and when we say it. I do not hold a brief for the Police. In fact, as a practicing barrister, I have seen cases of Police misconduct. I know that it exists, but the big problem that we had in the past and we still have today, is that the Police when they have a complaint made against them, they themselves investigate and because of the familiarity that exists between Police officers, there is the perception that no fair, impartial enquiry can take place.

In fact, this Bill, Madam Speaker - and we have to congratulate the Rt. hon. Prime Minister for bringing this Bill to the House - is not a new Bill entirely. In fact, in 1999 the Police Complaints Bureau was set up. It did not work or it did not work in the way that it was planned to work and then it had to be scrapped. In 2012, the Police Complaints Commission Bill came and then it entered into force in 2013 as a Division of the Human Rights Commission. That also did not work. In fact, when the Rt. hon. Prime Minister was introducing the Bill, on the Second Reading, he said that as at July 2013, there were 1,741 complaints and 892 had been transferred from the Police Complaints Bureau and 1,244 cases had been set aside.

It is important that we bear these figures in mind. Any person who has a brush with the law or with a Police Officer will immediately have the impression: 'Let me go and make a complaint.' It is normal, it is natural, because these people think that it is easy to make a complaint. In fact, this is why so many cases are set aside and this is why in the Bill, as in the previous Bill, there are provisions to set aside vexatious complaints or frivolous complaints. But what we need to address, Madam Speaker, is while we expect the Police to uphold the law, while we expect the Police to live up to the highest standards of their training, we must also understand that, at times, the Police may have to use reasonable force for the purposes of their duties. In the discharge of their duties, reasonable force, proportionate to the situation, has to be exercised. This is why I believe we are not, in fact, we should not demonise all Police officers. That there are complaints, yes, but the complaints need to be investigated, yes, that the quality of the complaints must be investigated is also important and the person making the complaint must be of good faith. He must make the complaint in writing, he must say whether there are witnesses and there must also be a situation where the environment is there to pursue the complaint as it should be.

Madam Speaker, we know that today we have modern technology. In fact, in the United States, a lot of Police complaints have been found to be true because of CCTV cameras, people filming on their mobile what is happening with the Police Force, and also, in Mauritius, this can happen. So the Police know that all these things exist and this, in itself, is a deterrent on how the Police are to perform.

Having said all that, we must also bear in mind that, in some countries, I know in the United States, a Police Officer is trained for only about three to four months. In other countries, it takes longer. The quality of training of Police Officers is also important. In some countries, they take years. In Mauritius, I believe the training process goes on for a long time and this is where we need to make sure that we recruit the right people, that the people who are recruited have the necessary qualifications and training and they should be working within a structure. But, despite all this, there will be situations where complaints will be made against the Police and we have to ensure that we have a system where the complaints are dealt with. This is why this independent body which this Bill proposes to set up, tries to give, at least, comfort to the complainant, that there will be a procedure where the complaints will be dealt with fairly and without any fear and that the Police Officers will be favoured one way or the other.

How the Independent Police Complaints Commission will do it, is by the composition of the Police Complaints Commission. Who will be on the Commission? The Chairperson of the Commission will be somebody who has served as a Judge of the Supreme Court. That, in itself, gives confidence to the complainant and also to the Police Officers in case of the vexatious complaints that this particular person, with that background, will be able to deal with the complaint in a fair, equitable and impartial manner. Who are the other members of the Commission? Clause 3 (4) (b) states –

“The members, other than the Chairperson, shall be persons having knowledge and experience in the field of human rights, law, employment, industrial relations, business administration, education, sociology, policing, social work, psychology, psychiatry, medicine or prison management.”

So, it is a broad-based Commission. It is important that this Commission be broad-based because we don't know what is the nature of the complaint. This Commission will be tasked with investigating the complaints in an impartial manner so that people have confidence in the process.

Madam Speaker, questions have been asked or have been raised by hon. Baloomoody about this Commission as if we are simply rebranding it. But the National Human Rights Commission had a Division within the Commission to deal with complaints. Now, we are setting up an Independent Body, not accountable to anybody. Isn't that progress? Isn't this something that we are doing in order to ensure that we have a system that is fair, a system where everybody can have confidence in the complaints procedure and also that there can be no risk of any bias or misjudgment.

Madam Speaker, we are not alone in a world where this kind of situation arises. We all know the case of Stephen Lawrence in the United Kingdom. The case of Stephen Lawrence, he was a young man. It was on 11 July in 1993. Stephen Lawrence then aged 18, was stabbed to death by two white men while he was waiting for a bus. There was a Police investigation in the United Kingdom because they are supposed to be very advanced in these things. There was a Police investigation which was tainted. Then, in 1999, there had to be a full-fledged enquiry into the murder of that particular young man. In the meantime, the Police Officers, who were responsible for the tainted investigation inquiry, had already left the Police Force. So, when the Commission of Inquiry reported on the case, they were no longer in the Police Force and they could not recommend any sanctions against the two Police

Officers. It was only in 2012 that the two white men were prosecuted and they were convicted for the murder of Stephen Lawrence. So, we will have to live with this kind of situation. But, although we can strive towards perfection, we must ensure that the system that is being put in place to look into complaints from the Police Force or about the Police Force, is, at least, neutral, that the persons who will be part of the Commission will do an honest job, that complaints will be fully investigated and it is also important that we look at the powers of the Commission. I am referring to Clause 5 –

“5. Powers of Commission

(1) Subject to subsection (2), the Commission may, in the discharge of its functions under this Act –

- (a) summon any person to appear before it on such date and at such time as may be specified in the summons, or require any person in writing –
 - (i) to answer any question or provide any information which the Commission considers necessary in connection with any investigation;
 - (ii) to produce any article, or any book, record, accounts, report, data, stored electronically or otherwise, or any other document;
 - (iii) to verify, or otherwise ascertain by oral examination of the person making the complaint, any fact, matter or document relating to a complaint;”

It can also visit any Police Station.

So, it is being given all the appropriate powers in order to be able to perform its function. Now, this is going to be a Commission that will have full powers and, in fact, the Bill provides for adequate staff and resources to be given to that Commission to carry out its investigations. We have no doubt, on this side of the House, that this will be a far better body to look into complaints made against the Police than we have had in the past.

This is why, Madam Speaker, we are very happy, on this side of the House, not to say that it is rebranding. It is in fact a brand new institution with full powers to give confidence to the public and to any complainant that the complaint will be properly dealt with.

Thank you very much, Madam Speaker.

(Interruptions)

Madam Speaker: Hon. François!

(5.55 p.m.)

Mr J. F. François (First Member for Rodrigues): Madam Speaker, I welcome this Bill and will intervene after two learned friends, hon. Baloomoody and hon. Gayan, whom I shall congratulate for their legal and technical speeches and shared experience as well.

Madam Speaker, the Police hold a unique position in our society, with powers to interfere in the lives of the public and responsibilities to act independently to uphold the rule of law. That is basic. However, there is uncertainty as to exactly what are the Police powers over the whole range of Police activities, which have resulted in many controversies in our court of law through various cases as to their conduct as well.

It is a fact that our Police Service in maintaining the institution and stability of our society is constantly under increasing pressure. After scrutinising this IPCC Bill - not as a lawyer; I am not a legal person -, one fundamental insight which I will debate on is the place of perception and confidence in our Police Service in the discharge of their duties.

Madam Speaker, first of all, to build up this confidence, we need a Police Service that must be well disciplined, well led, well-trained, well-educated and well paid also. I do hope that the establishment of this IPCC Bill will lead to significant reduction of complaints against Police officers. But the question is: how? Shall we call the reported 1,741 complaints as alarming, as per statistics mentioned by the Rt. hon. Prime Minister? From the statistics I have from Rodrigues, there are 71 complaints against Police officers from year 2012 to date.

Madam Speaker, looking at these statistics, my question is: what are truly the objects of our Police Service today? The answer is essentially to prevent, combat, investigate crimes, to maintain public order, to protect and secure the inhabitants of our Republic and their properties and to uphold and enforce the law as rightly said by hon. Gayan and hon. Baloomoody. Madam Speaker, to honour same, the Police officers - this is interesting - do swear and solemnly affirm under oath, as per section 4 of the Police Act, and I think this is a beautiful oath. Allow me to cite this oath, Madam Speaker. They –

“will faithfully execute and perform the duties of (...)”

Whatever his or her Police grade -

“(...) Police, and of any other office in the Police Force to which (...)”

He or She -

“(...) may be appointed, in the preservation of peace and the prevention and detection of all offences, and all other duties as required of them by law (...)”

And it continues -

“(...) without fear or favour, affection or ill will.”

This is interesting! But, despite this oath, Madam Speaker, and also the clearly defined duties of our Police, there are the so-called *brebis galleuses* out there. Some abusing of their powers, some misbehaving and so on, and this is not the image I would like to see for our Police Force and Police Service.

Madam Speaker, what is sustainably needed today is more in-depth, visible changes in Police culture. Police culture! In this respect, a new Police education is the determining factor for defining this new Police culture. Here, I have to point out that the idea to transform the Police Training School into a full-fledged Police Academy for continuous progress development of Police officers is most welcome.

Madam Speaker, as per the National Policing Strategic Framework, it is reported that our Police are ready to respond to the challenges of the 21st century through the shift from a Force to a Service, and it is to be noted that one of the six key elements to the shift of community policing is to achieving a human rights compliant organisation as per requirements of international police reform trend. Madam Speaker, international human rights law requires that an individual must have access to an effective remedy to an alleged violation of his or her human rights.

I have often come across cases where Police officers, while performing their duties, to keep us safe - I recognise that - faced unwarranted public attitudes and comments. And, again, my question is: why is this perception towards them, and how do we get rid of it? Madam Speaker, this is where the IPCC Bill again is important. It is an advancement in our constitutional protection and rights of each and every citizen. It will provide an independent platform to properly investigate complaints of abuse of power, allegations and reports of Police brutality. I will not go into details. I will leave that for my learned friends.

It will build public confidence again in the Force whilst at the same time reinforcing Government's commitment to ensure that the most vulnerable in our society are not abused

by the Police. The message should be clear and unambiguous to them that instances of abuse of power and torture will not be tolerated in our Police Service.

Madam Speaker, about three months ago, I called into a Police Station in Rodrigues, in the late hours, following a phone call from a member of the public that Police officers have refused to take a statement from them following an incident between two parties. Further to their failure to respond to record their statement, a person protested against their conduct and thereafter he was detained on an alleged count of rogue and vagabond. I was shocked by how two detainees in the Police cells were challenging verbally the misconduct of the Police officers. I was myself astonished by their conduct and attitude where I complained in writing against the two officers following their humiliating, unacceptable and disgraceful action and improper conduct.

Madam Speaker, the main problem there is that, at times, Police Stations are being managed by Police Constables as Officer in Charge of shifts. This has a bearing on the proper running of these stations. Another case that I would like to cite, Madam Speaker, refers to an alleged case of Police brutality in Rodrigues a few years back against a minor, a 14-year old boy. He was provisionally charged for having stolen a huge sum of money from a person. The young boy was then taken away from his home by the Police officers for further questioning. According to the youngster, he was tortured by the Police officers in an oppressive manner for confession.

Madam Speaker, from this case, I have observed that the weakness of our Police system is that many citizens are not familiar with Police Complaints Procedures.

(Interruptions)

I agree.

In addition, our Police service needs to make progress in the use of IT security, full-fledged CCTV in all Police stations, and I have to say any contravention or interviews by any Police shall be video recorded, which may be used in civil or criminal proceedings as per section 15 of the Bill - Use of evidence. This shall also give rise for the introduction of a New Police and Criminal Evidence Bill.

Madam Speaker, another common public perception, which is of great point of concern to me, is that our Police service is viewed as a political tool, though, I don't concur to that. Our citizen must be in a position to publicly approve that our Police management is free from political grip. However, in our society today, there is this general acceptance that

the Police service contains Police officers who are closely associated with one or two regimes X, Y or Z. This undermines the philosophy and values of our Police service. These officers are generally viewed as a potential obstacle to the reform process of Government. I say Government and it could be any Government. Madam Speaker, my question is: will these officers be up to task once they have been tagged with such unfortunate label?

We are all aware of certain situations where Police officers constantly faced critics; some usually call for an early retirement or face punitive transfer. I remember seeing new Police officers on duty in Rodrigues. When asked who these new officers are, generally the reply was that *'fek gagne transfert punitif.'* Madam Speaker, I will be very happy to witness that any posting of any Police officers of whatever grades it might be, to Rodrigues, not to suffer the impression of punitive transfer.

Madam Speaker, the point I want to make here, is that, it is high time for our Republic to fully engage in the process of depoliticisation of our Police Force. This is where section 3(2) of the Bill describes that –

“The Commission (...)”

And this is correct.

“(...) shall not, in the discharge of its functions and exercise of its powers be subject to the direction or control of any person or Authority”.

A complainant must believe that his complaint is worth pursuing without political interference.

Coming to discipline, Madam Speaker, with the introduction of this Bill, Government will certainly be looking at the discipline that prevails in our Police service, especially breach of Standing Orders, as rightly pointed out by hon. Baloomoody. I am conscious that discipline differs from complaint procedures, which, in fact, remains a matter for the Commissioner of Police. But, certainly, the integrity of the Police service depends on the honesty and discipline of its officers, in the exercise of their duties.

Madam Speaker, section 16 of the Bill deals with Completion of investigation. I am not quite sure how the Bill will deal with the release of information back to a complainant on an interest of justice imperative. Madam Speaker, we also forget sometimes that a Police Complaints Body is also a body to which Police officers themselves have recourse for wrongs done to them. I believe that the Complaints Commission in the discharge of its functions, as

per section 4 of the Bill, will guarantee the right morale of our competent Police officers and it is not adversely affected. In a progressive vision of Police reform and from safeguards as per section 23 of the Bill, I consider this Bill as a Protection to Police officers, from false allegations or vexatious subject-matter, as officers also have an equal right to a fair hearing, representation and due process.

Madam Speaker, it is a fact also that our Police service lacks manpower. That is the real situation and it is no secret. The actual strength of our Police service is around 12,000 Police officers, including 511 serving in Rodrigues and out the 51, I think, 6 are interdicted. It is a small amount, but it raises question in my mind regarding the interdiction of Police officers.

There is a shift system in the service, because of manpower shortage. Madam Speaker, the shortage in manpower, however, must be judged by the number of Police officers who are on duty at any given point in time. For example, in Rodrigues, from the strength of 511 officers, there are 6 shifts of about 5 officers in one Police station, which gives you an indication of the lack of manpower. This shortage undermines their functions, thus leading to frustrations at times.

Madam Speaker, to conclude, in repealing the Police Complaints Act by this IPCC, we are sending a clear message that the new body will not just focus on independent investigating complaints, but its emphasis will also be on developing a strong and advice to address and eliminate Police misconducts as per section 4(c).

Madam Speaker, our Republic needs an outstanding and professional Police service that responds to human rights and will not unnecessarily target law-abiding Police officers who operate within the law. This IPCC Bill will balance the rights of the individuals and the rights of the Police officers.

In that context, I congratulate the Rt. hon. Prime Minister for bringing this Bill,

Madam Speaker, I thank you for your kind attention.

Madam Speaker: Hon. Mrs Jadoo-Jaunbocus!

(6.12 p.m.)

Mrs R. Jadoo-Jaunbocus (Second Member for Port Louis South & Port Louis Central): Madam Speaker, I think hon. Baloomoody has been thinking too much of brands. Over the last few years, I shall say, the last decade we have reached the Rolex and the

Austins that he now thinks that this serious piece of law is also a piece of branding and rebranding.

In fact, talking about that, I refer to question B/619 asked by hon. Baloomoody in this very House about the proposal of setting up of An Independent Police Complaint Commission as mentioned in the Presidential Address in the Government Programme. When he asked where matters stand, hon. Baloomoody was quite happy with the answer of the Rt. hon. Prime Minister who stated exactly what has been done in the Bill, that is, the Attorney General's office was to review - and that was the reply of the Rt. hon. Prime Minister at the time - the existing legislation with a view to converting police complaints division of the National Human Rights Commission into a fully-fledged Independent Police Complaints Commission as already initiated in the Government Programme 2015/2019.

At that time, no other question, no supplementary was asked. It was not rebranding at that time. The hon. Member of the House was quite happy with it. Today, when we put the IPCC into reality, he calls it rebranding. This is not a Rolex. This is not an Austin. This is a serious piece of law. This piece of law shows the commitment of the Rt. hon. Prime Minister to restore confidence. Remember we have talked about it. Restore the confidence of the public into the police institution. We have to restore that balance and that does not happen overnight. This is what the Bill is striving to do.

At the very outset, the Bill says what it means and it means what it says. At clause 3, when it talks about the Chairperson, it says that –

“The chairperson shall be a person who has –

- (i) served as a Judge of the Supreme Court;
- (ii) served as a Magistrate for not less than 10 years;
- (iii) been a law practitioner for not less than 10 years; or
- (iv) served as a Magistrate and has been a law practitioner for an aggregate period of not less than 10 years”.

This is independence, this is the business and this is the seriousness that is meant by the Rt. hon. Prime Minister as he has always been.

Systems for dealing with complaints against the Police do not happen by chance, Madam Speaker, and it is rarely created by design. Now, we are at that post. Although, as stated by Sir Robert Peel, what he had famously said in the past was that –

“The Police are the public and the public are the Police”.

and yet when one looks at historical development, for instance, in the UK, in the States, there has been a lack of enthusiasm to give too much power to independent Bodies whose function is to oversee the very own law enforcement arm. This has been the case and that is why when one looks, for instance, at the United Kingdom, we see it is only after 150 years' operation of the Metropolitan Police since 1829 that in 1977 a Police Complaints Board was established and even then it lacked the independence that was required. Then, in 1985, the Board was replaced by the Police Complaints Authority, even then it lacked the independence and impartiality that is required and this led to various incidents such as the Tomlinson disaster and the Brixton riots. All these have led to the Independent Complaints Commission in 2004.

So, things do not happen overnight, things do not just happen because we say they must happen, they happen because we work towards them to happen. In truth, what we've had in Mauritius, indeed we had the Kaya and the Ramlagun incidents, we had so many and one is one far too many. All this has dented the public confidence in the Police and when a complaint against a policeman is dealt by another policeman, albeit by a senior or independent Police as has been the case by the Police Complaints Bureau as it was set up in the past, this does not give confidence to the public because what happens is that to start with the person, the complainant does not get feedback about what has been happening. He does not know, he gives a unilateral statement to the Police and then he does not know what happens, he does not know how the DPP has exercised his powers and he does not know what is the outcome of the inquiry. This has been the case in the past. There are many counsel in the House who can testify to this. We have, on so many occasions, accompanied people, assisted them to make complaints and the outcome is zero. You have *voir dire* and you summon the Police Complaints Bureau, again the result is zero and you do not even know where matters stand. We have always stood in the dark, but this is on the way of being changed now through the IPCC Bill.

That is why we have the Independent Police Complaints Commission Bill which is coming to change all that and to restore that confidence. We have had, of course, the investigation of complaints through the Human Rights Commission as has been explained by hon. Gayan but, once more, it does not have enough bite and that is the reason why the Rt. hon. Prime Minister, as he said rightly, that the independence is coming and what reinforces the confidence as the independence of this Commission, is when we look at the proposed

amendment that is going to come at Committee Stage. What it talks about is that, under clause 17, the proposed amendment on prosecution of offences –

“The Commission may designate an officer to swear an information and that officer may conduct without prejudice to the powers of the DPP under the Constitution the prosecution of an offence committed by a Police officer.”

What does that do? What does that do is that it brings us similar online to offences under the MRA Act, under the PoCA where what you have is an independent officer, not a Police officer, but an independent officer of the Commission because we are talking about inquiry upon the Police but not by the Police. So, therefore you have again the vision of independence; the independent officer coming and swearing the charge, the information before the Court. So, once more, this proposed amendment will give even more meaning and depth to what is meant by ‘independence’.

In truth, Police officers can, as has been said by Lord Condon, the former Metropolitan Police Commissioner -

“Police officers can intervene in people’s lives in a way that alter those lives for ever - for good or for evil. It is vital that the investigation process against police officers enjoys maximum public support and confidence. Nothing short of a completely independent complaints commission will assuage public concern about the integrity and thoroughness of the complaints process”.

Now, when we look at this Bill, what it does, it deals with the reality as it is, what I mean by that is when we look at clause 4 - Functions of Commission and subsection (a) of clause 4, is that the Commission may not investigate *proprio motu*, it will need to have -

“(...) any complaint made by any person or on his behalf against any act, conduct or omission of Police officer in the discharge of his functions (...)”

That is the first limb.

Then, you have the second limb where he can –

“(...) investigate ...”

Now, *Proprio motu* –

“(...) into the cause of the death of a person who died whilst the person was in police custody or as a result of police action.”

And he can go even further, he can –

“(...) advise on ways in which any police misconduct may be addressed and eliminated.”

And he can go even further to –

“promote better relations between the public and the Police”.

The very much needed required action right now to put into reality, into realisation of our Government policy and the Government vision.

So, what this Act will do, especially clause 4 subsection (c), is that it will go further beyond the actual complaint against physical violence, etc. because Police complaints, Police misconduct could be not only criminal, it can be civil, it can be, for instance, disciplinary offences, it can be corruption offences, etc., which this Bill will allow the Commissioner to actually investigate into, whether or not the complaint has been referred as such, it gives wide powers.

I, therefore, would, most humbly, urge the Commissioner, when the commission is set up, to deal with it in a grievance focussed way. That is not to be tied down by red tapism, but actually to focus on the outcome. This will boost confidence; this will boost people’s belief in the system, in the Commission. When you are not process focussed, you are not system focussed, but you look at finding a solution - because at the end of the day the public places its trust in the Police. We want, to some extent, restore what Mary Poppins had, as her best friend, the Police officer, the bobby on the beat. We have lost that vision, but we do want to restore that vision. Only then the country will feel safe and will breathe as it should. Only then the rate of criminality will come down. It is not just by saying we need to do this, we need to do that, but we need to foster and we need to empower the Police officers and give them confidence, but, at the same time, we need to tell them: ‘yes, you must use your powers as you should rightfully within your limits’, but, at the same time, we should also tell the public there will be no abuse. We are going back to that Mary Poppins best friend with time and this Bill will allow us to go some length to that way. There needs to be transparency. Transparency is the key in this boosting confidence exercise because, at the end of the day, when I used to go, as a former practising barrister, I can say and I’m sure I will be supported by many Members of this House.

When we go to the Police Complaints Bureau, when we go to the National Human Rights Commission, what we would want to know is what is going to happen, what would be

the outcome and how can this help the person. In fact, this is a Commission that is going to be set up specifically for this purpose. It would be specialised in this kind of investigation with the relevant powers as set out under clause 5, giving the Commission wide powers, of course within limits, within the bounds of the Constitution.

Much has been said about the right to self-incrimination, that the Police officer may not give evidence because a person may refuse to answer any question, to provide any information or to produce any article or document which would incriminate him. Does that mean it gives the Police officer the right to go and destroy that document that can be used against him? No, because these documents form part of the record. We are talking about public documents. We must not lure this House and say: 'yes' because there is the right against self-incrimination which is provided for in the Constitution. Let us not forget that.

It is provided for at section 10 (7) of the Constitution. So, that is his constitutional right. If we do not put this clause here, the lawyers are the first ones to go to the Court of Human Rights and challenge the powers and any findings of that Commission saying that it is anti-constitutional. So, do not lure this House by arguments which are futile and which go against the Constitution, unless we come with an amendment of human rights, of our constitutional rights. But now, what we are talking about is the powers of the Commission to investigate within the bounds of the Constitution. We are a State which acts and operates within the Constitution. We cannot go outside that and we must not forget that we are a democracy. We have fought to become a democracy and we must remain a democracy. If we remove such rights, what is going to happen? You cannot allow people to come and do what they want and then on the other hand you trampled on the rights of the poor Police officer because he has rights. A Police officer who is subject to investigation under the Commission is like any other person who is charged with an offence. That person has his human rights. That person has his constitutional rights which have to be respected. That is important!

Now to go back, I have talked about Independence. I have also said that the powers of the Commission is wide subject to, of course, such parameters as compelling the person to answer questions or provide any information which the Commission considers necessary in connection with any investigation once summoned before the Commission; produce any article or any book, record, accounts, report, data stored electronically or otherwise, or any other document; to verify, or otherwise ascertain by oral examination of the person making the complaint, in fact testing the evidence; visiting any police station, prison or other place of

detention for the purpose of an investigation under this Act; where it considers appropriate, work in cooperation or consultation with any person or body, whether public or private in regard to that investigation.

Now, if one goes further, one will see the powers of the investigator within that Commission. It allows the investigator to -

- “(i) take all lawful measures which a police officer may take under the Police Act or any other enactment for the detection of an offence, except arrest a person;
- (ii) record a statement under warning from any person;
- (iii) enter and search any premises occupied or used by the Police Force or any other public body in that capacity;
- (iv) inspect any document or other thing on the premises;”

Meaning any diary book, - which my learned friend, hon. Baloomoody, was worried about - any document about his movement, the diary book, the OB Book and all these can be inspectable and will be laid because that investigator can take copies of such documents which copies of documents will be made admissible as provided under the Independent Police Complaints Commission Bill.

To sum up, I will say, Madam Speaker, this Bill has all that it needs. It renders the Commission simple, accessible and fundamentally fair. It is, in fact, an effective Police Complaints System. The need to operate in a culture that is not defensive about complaints against the Police, but recognises them, deals with them and gives them the attention that it requires. In fact, it should be something considered as a valuable feedback for any system because at the end of the day we will gage how our Police officers are performing their duties without abuse of their authorities through that Commission. It must work on the basis and assumption that the complainant must have made his complaint in good faith and seek to address the root of that public dissatisfaction. It should also recognise that there will be, as in all cases, abuse and there may be malicious or vexatious complaints and that Commission should be able to deal with it with the robustness that it will be given.

We have the faith that is required within that Commission which is going to be set up and what the IPCC Bill does is that it creates the legislative framework for setting up a system where all reasonable men, that is, the public and the Police will have confidence in it. The framework of the IPCC defines clearly the roles of all those involved and it sets

parameters dealing with the complaints, that is, the Commissioner, the investigator and all other staff and it shows that the commitment is there to empower and give the resource that is required for those persons who are charged with responsibilities.

I have just talked about a dog with no teeth and with no bite, but here we have it all. We not only have a dog which can bark, but also one which can bite. So, I will say those who are going to abuse their authorities: Watch out, the Ombudsman is coming and this Government means business!

Thank you, Madam Speaker!

Madam Speaker : Hon. Mrs Selvon !

(6.31 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West) : Madame la présidente, l'Article 4 (b) au chapitre intitulé "*Functions of the Commission*", de l'*Independent Police Complaints Commission Bill*, évoque les décès en cellule policière.

Madame la présidente, il existe un registre des décès publiés et mis à jour régulièrement par le parti politique Lalit depuis le décès en cellule en 1999 du fondateur du genre musical seggae, Kaya. Ce registre démontre qu'il y a eu 62 décès en cellule policière de 1979 à 2015, en 36 ans. Ce parti a créé le Mouvement *Justice* et a fait beaucoup de propositions concrètes contre toutes les formes de brutalité policière, laquelle comprennent, selon Lalit, des séances de torture dans plusieurs cas.

Le travail de fourmi de ces militants politiques en association avec d'autres organisations, témoigne la gravité du fléau qu'est la brutalité policière qui a mené à de si nombreux décès de personnes sous responsabilité policière, avec un taux de pas loin de deux décès par an. Or, Madame la présidente, un seul décès est de trop. Je recommande la lecture des études et observations de Lalit publiées depuis 1999. Il faut aussi comprendre qu'un seul décès peut mener ce pays tout entier au bord du précipice comme il y a eu 16 ans, suivant la mort de Kaya.

Bien sûr, il ne faut pas mettre tous les policiers dans le même panier. Mais il faudrait que le gouvernement et les partis politiques parlementaires s'occupent avec efficacité et compétence du problème. Il faudrait aussi - tous les avocats seront d'accord - procurer aux policiers accusés, des moyens de se défendre comme, par exemple, des règlements, en sus de ce projet de loi, leur permettant de faire appel immédiatement, à n'importe quelle heure du

jour et de la nuit, à un médecin, un psychiatre ou un psychologue qualifié, le moindrement qu'ils constatent qu'un détenu en cellule policière montre des signes de grand malaise ou des tendances suicidaires.

De nombreuses personnes accusées font des allégations de brutalité policière à la légère surtout pour ce qui est des conditions dans lesquelles ces aveux ont été faits. Nous avons aujourd'hui suffisamment d'équipements électroniques pour facilement enregistrer les conditions dans lesquelles les dépositions sont faites. Mais, soit dit en passant, il est un fait que la plupart des dépositions sont faites comme cela se faisait au 19^{ème} siècle alors que dans un pays qui se proclame une cyber-île au reste du monde, les dépositions devraient être faites sur ordinateur comme dans les pays avancés.

Nous votons aujourd'hui un projet qui s'est fait attendre pendant de trop longues années. Même le *Police Complaints Act* de 2012, sous l'ancien gouvernement, n'a pas pu résoudre le très grave problème de multiples décès en cellule policière. L'honorable Premier ministre mérite donc toutes nos félicitations pour cette nouvelle loi qui remplace le *Police Complaints Act*.

Les leçons qu'il fallait apprendre de l'affaire Kaya ne l'ont pas été pour ce qui est des manières d'arrêter des gens qui, au départ, sont foncièrement pacifiques et désarmés. Je suis certaine qu'avec la nouvelle loi, la brutalité policière aura tendance à disparaître.

Mais je vais demander au Premier ministre de continuer sur la bonne voie qui est d'imposer d'autres paramètres sévères, en marge de la nouvelle loi, en ce qui concerne la manière, souvent excessivement brutale, d'arrêter des gens avant de les envoyer en détention.

En référence à l'Article 4 (a) du projet de loi, l'*IPCC* peut, à l'exception des crimes financiers, je cite –

“(a) investigate into any complaint made by any person (...) against any act, conduct or omission of a police officer in the discharge of his functions(...)”

Mais dans le cas d'une arrestation arbitraire, que se passe-t-il, du fait que la loi parle de '*any act (...) of a police officer in the discharge of his functions*' ? Est-ce que le Premier ministre a voulu faire d'une pierre deux coups pour mettre fin aux arrestations arbitraires ou excessivement brutales ?

Le dictionnaire Larousse définit le terme 'arrestation arbitraire' comme une arrestation, je cite –

«Qui dépend de la volonté, du bon plaisir de quelqu'un et intervient en violation de la loi ou de la justice.»

Je laisse le soin au Premier ministre d'expliquer en plus de détails le rôle de l'*IPCC* par rapport aux possibles plaintes contre la manière dont la police fait des arrestations qui pourraient s'avérer arbitraires et abusives et faire l'objet de plaintes logées par des victimes présumés de ces actes, et leurs avocats!

Toujours est-il, qu'en Grande Bretagne, les actions de la police sur les routes sont aussi sujettes à des plaintes. En ce moment, l'*IPCC* en Angleterre enquête dans le cas d'un jeune homme de 19 ans tué dans un accident de la route lors d'une course-poursuite par des voitures policières. Les circonstances d'une arrestation doivent nécessairement faire l'objet de l'*IPCC*, à mon avis.

J'en viens maintenant à l'importance du projet de loi pour le grand public et de la nécessité, comme dans toutes les démocraties modernes, de faciliter l'accès du plus grand nombre de personnes aux services qu'assurera la nouvelle commission, dont le nom est le même que sa contrepartie en Angleterre sous le *Police Reform Act* de 2002.

Il faudra une campagne moderne d'information du public sur ce nouveau service par le biais des divers médias. Il faudra, comme en Grande Bretagne, en utilisant, entre autres, l'Internet, un "*Guide to the Police Complaints*" et des '*downloadable forms*' à remplir et envoyer à l'*IPCC* électroniquement par les présumées victimes. Celles-ci peuvent ainsi donner avis de plainte urgente et préalable à une déclaration en personne au bureau de l'*IPCC*.

La Commission aura eu le temps de mieux préparer le dossier avant même l'arrivée dans ses locaux de la victime présumée. Des facilités d'accès devraient être disponibles aux personnes détenues par la police pour loger une plainte.

Il est intéressant de savoir dans quel cas et contexte on peut faire une plainte à l'*IPCC* en Grande Bretagne, pays dont est inspiré le nom de la future *IPCC* mauricienne. Je cite –

“You can make a complaint if you have experienced inappropriate behaviour from a Police officer, member of Police staff or contractor working for the police. For instance, if you felt they were rude or aggressive in their treatment of you.”

Le public est aussi avisé de ce qui suit en Grande Bretagne – et c’est très important, je citerai ici l’*IPCC* britannique qui publie un document détaillé pour le public sur la manière de faire une plainte. Ce document intitulé "*A Guide to the Police Complaints System*" précise –

“Police forces are expected to take all complaints seriously, to listen to you and to act in a fair and balanced way to seek to put things right(...) There is also a link to detailed information if you need it.”

Mais il est clair que l’*IPCC* devrait elle-même produire de tels documents pour l’information tant de la police que du grand public.

Enfin, Madame la présidente, je suis tout à fait d’accord avec l’Article 3 (4) (a) de la nouvelle loi qui prévoit la nomination soit d’un ex-juge de la Cour suprême, soit d’un magistrat ou un autre juriste de carrière pour diriger la Commission. J’accueille également l’Article 3 (4) (5) (b) de la loi qui dit ceci –

“The Prime Minister shall, before tendering advice to the President (...) consult the Leader of the Opposition.”

Cela indique une manière de faire digne d’une vraie démocratie parlementaire.

Madame la présidente, honorables membres de la Chambre, je voterai volontiers en faveur du projet de loi et je vous remercie ainsi que la Chambre de m’avoir écoutée.

Madam Speaker: Hon. Sinatambou!

(6.40 p.m.)

The Minister of Technology, Communication and Innovation (Mr E. Sinatambou): Madam Speaker, allow me, first of all, to congratulate the Rt. hon. Prime Minister for bringing before this august Assembly, the Independent Police Complaints Commission Bill which provides for the establishment of the Independent Police Complaints Commission which has as main object to investigate into complaints made against Police officers in the discharge of their functions.

May I also, Madam Speaker, at the outset, express my regret and my sense of sadness that the MMM has decided not to agree with this Bill. I am of the view, Madam Speaker, that the Members, who are sitting on that side of the House, are missing a golden opportunity to help our country, to help our citizens and, in fact, to help our Police Force. Just like they missed a golden opportunity when they failed to vote in favour of the Good Governance and Integrity Reporting Bill, again, they are missing a great appointment with history.

What are we speaking about? We are speaking about the duties of the Police. If you go back to the Police Act, we know that the Police has the duty to preserve peace, has the duty to detect and prevent crime, but then the law goes on to say 'without fear or favour, affection or ill will'. The preservation of peace, the detection and prevention of crime are objective elements, but then come four subjective elements which require actually the intervention of watch dogs. Those four subjective elements are: fear, favour, affection or ill will.

That is why I am convinced that those who actually are stating that there is nothing new fundamentally with this Bill, are wrong. They are wrong because, first of all, we realise that this Bill actually consolidates a third tier of accountability in the effective implementation of law and order in this country. We all know, especially lawyers, that the first tier of protection, which is given to the public by controlling Police officers, is to be found in what we call 'The Police Standing Orders' and also in what is known as the 'Police Instruction Book'. There are a series of rules there, which actually if complied with, would make a virtually perfect Police Force.

I recall that, about 25 years ago, I used to have a Police Instructions Book, and you know, it said things like 'Every single Police officer must address every member of the public in a very polite manner.' This is how detailed it was. That is the first-tier of protection which the public has.

The second-tier is actually provided by the Courts. We all know, among lawyers, the *voir dire*, how, if a statement is actually obtained in an improper and/or unlawful manner, it is to be rejected by the Courts. Furthermore, the Courts, whenever any misdeed is revealed, has powers to actually take Police officers to task. But what has experience shown? Experience has shown that despite the two-tiers of protection which are provided to the public, this is still not sufficient.

It is acknowledged that the Police Force has an overwhelming number of members who actually do their job perfectly. But there is, unfortunately, a small number of officers who do not do what they should do, and this is where this Bill comes into play.

I have heard one of the previous orators virtually demonising the Police and demonising this Government, trying to make the amalgam that any single misdeed by the Police is actually the result of Government's action, interference or pressure. That is false! This is totally false and should not be said because when you have immunity it does not mean

that you have to be irresponsible. This is false and irresponsible! It is also improper to demonise the Police because the Police, to a large extent, do a wonderful job.

In fact, those who know me know that I am one of the very critical members of the Police Force when they act wrongly. But, I, here, before this august Assembly, acknowledge that Police officers in this country do a great job, and I do hope that no one on the other side of the House tries to demean the Police Force or tries to demonise them because that, to me, would be anti-patriotic.

Madam Speaker, the Police have even expressed, in its mission statement, that it wishes to be a human rights compliant organisation. Here, we must again congratulate the Rt. hon. Prime Minister because when he comes forward with this Bill, he is actually ensuring that, through this Independent Police Complaints Commission, we actually have a human rights compliant Police Force just like the mission statement of the Force itself stipulates.

Here, I must again, Madam Speaker, express my disagreement with some of the statements which were made on the other side of the House, especially when it comes to clause 5 of the Bill. Indeed, my hon. friend Baloomoody stated that it was so wrong for Government to have in clause 5, sub clause (2), a statement whereby a person may refuse to answer any question which tends to incriminate him or her.

In fact, this is the state of the law! This is actually the constitutional right of any single person...

(Interruptions)

Exactly! It is a constitutional right of every single citizen of this country to refuse to answer any question or do anything which may incriminate; even before being accused, you have the right to remain silent if something that you are going to say is going to incriminate you. That is the constitutional right which is written in our Constitution.

However, - and that is where I am convinced that the hon. Member is wrong - if there are incriminating data, records, documents or articles, we have clause 12 of the Bill. Clause 12 of the Bill actually involves the powers of an investigator who has the right to search premises and indeed to secure any incriminating data, article, document or any such evidence. So, it is quite the right of any person, under clause 5 (2), to actually refuse to give any statement or produce any document, etc., which might incriminate the person. But the powers of investigator contained in clause 12 actually allow the Commission, through its investigators, to get a search warrant from a Magistrate and do what it can lawfully do and

secure any such material or document. Therefore, I would respectfully submit, Madam Speaker, that the hon. Member is not right when he actually tries to say that if you tell the Police to bring their occurrence book, they have the right not to produce it. Well, if they don't produce it, we can go and take it from them. That is what the law states.

I was also quite surprised that one of the hon. Members made a great deal of the Public Officers' Protection Act of 1957. One may be against the two-year time bar which is afforded to any public officer, not only to a Police officer but to any public officer. But this Bill is not the place to take it. This is not something which falls within the purview of the Independent Police Complaints Commission. This is something which should come, if at all, under an amendment to the Public Officers' Protection Act of 1957.

May I also take this opportunity, Madam Speaker, to mention something which concerns the three-tiers of protection? Let me say something which I thought I should say here because it involves a few anecdotes which happened this year. One of them is a young woman who has been, shall I say, thrown out of the conjugal home by her husband and he assaults her. The young lady goes back to her mother's place at Terre Rouge, and she goes at Terre Rouge Police Station to make a statement against her husband for the assault. They tell her, "Well, you were punched in the face, but it happened at Rivière du Rempart, you must go to Rivière du Rempart." So, she has to leave Terre Rouge on that night to go to Rivière du Rempart, and when she reaches there, she is told, "Where did he punch you?" He punched her whilst she was coming to work in Port Louis. So, they tell her on that night that it could not be in Rivière du Rempart either, where she used to live, she has to go to Pope Hennessy Police Station.

So, there she goes on the next day, at 8 o'clock. And the anecdote says that while she was there at 8 o'clock, she was only looked after by a Police officer to take a statement at 10.30. In the meantime, another lady came and said to the Police officer at the Police Station, "Sir, *mo voisin ine zette ene seau dilo lor mwa.*" So, she is coming to also give a statement for an assault. And the Police officer told her, "*B si ou voisin ine zette ene seau dilo lor ou, b prend ene serviette sui ou.*"

In the meantime, the young lady who has been assaulted by her husband says: 'But, when are you going to look after me?' That happened at 10.30, and while her statement is being taken the Police officer goes and takes an apple, comes and eats and then writes the statement. So, we will have to be well-advised as to the degree of gravity of complaints, because what may be perceived as being vexatious or frivolous may not be for the person

who has actually come to that Police station to give that statement. I believe that, again, it is on the subjective elements that a lot will depend.

The credibility which the Commission will have in the median to long-term will depend on the level of success with which it addresses complaints. I believe that for those who are not happy with the current situation, it is because the degree of success with which complaints have been addressed or solved has not been to their satisfaction. It is not that the Police Complaints Division would have been *per se* wrong. It is not that the Police Complaints Division within the Human Rights Commission was the wrong institution. It is because the level of success with which complaints have actually been addressed has not been to their satisfaction.

Here, I must say one thing, Madam Speaker. If we look at clause 4 (a) –

“(…), the Commissioner shall –

- (a) Investigate into any complaint made by (...) against any act, conduct or omission of a Police officer (...)”

If the Commission wants to investigate an arbitrary arrest, this clause allows it to do so. If ever someone wishes to actually challenge a provisional charge, this clause, in my respect for submission to this House, would allow the Commission to do so. One cannot blame the Government if a Commission does not actually fulfil its duties or discharge its functions by its strict interpretation of a piece of law. The law clearly says that the Commission can investigate any act, any conduct, any omission of a Police officer.

In my respect for submission to this august Assembly, Madam Speaker, this Bill not only has to be commended, it should actually be voted with unanimity.

With these words, Madam Speaker, I thank you.

(6.58 p.m.)

Hon. G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Madam Speaker, I rise today to speak in support of the Independent Police Complaints Commission Bill. This Bill essentially establishes the office of the Independent Police Complaints Commission.

This Bill is important for the people of Mauritius. It is important to get the structures and processes right regarding scrutiny of Police, natural justice and fairness and the protection of the public.

Madam Speaker: Hon. Member, can you speak a bit louder so that everybody can understand?

Mr Lepoigneur: Madam Speaker, an effective Police complaints system needs to be simple, accessible and fundamentally fair. It needs to operate with a culture that is not defensive about complaints, but recognises them as a valuable feedback. It must be capable of distinguishing serious misconduct from the vast number of complaints that deal with quality of service, minor misconduct and poor performance. It should assume that nearly all complaints are made in good faith and seek to address the root cause of public dissatisfaction.

Madam Speaker, this Bill is to rectify the inadequacies of the former Government's model. Under the old regime, the Police Complaints Act 2012 provided for the setting-up of the Police Complaints Division, within the National Human Rights Commission for the investigation of complaints made against members of the Police Force. It did not provide for an independent body. But this Bill proposes a full-fledged Independent Police Complaints Commission presided over by a former Judge of the Supreme Court and one of its striking features is that 'No serving Police officer shall form part of the staff of the Commission'. The Commission is an independent body that must be able to effectively identify and investigate Police misconduct and the public deserves to have absolute confidence in the professionalism of the Police.

The Bill also proposes to establish a regime which has the following functions -

- (i) investigate into any complaint made by any person or on his behalf against any act, conduct, or omission of the Police officers in the discharge of his functions;
- (ii) investigate into the cause of death of a person who died when the person was in Police custody or as a result of police action;
- (iii) advise on ways where any Police misconduct may be addressed and eliminated, and
- (iv) promote better relation between the public and the Police.

Madam Speaker, one of the features of the Bill is reflected in clause 2, and I quote -

“A hearing may be held in public or in private or partly in public and partly in private, as the Commission may determine.”

It is significant commitment from the Government that hearings may be held in public when it is determined by the Commission would be in the public interest. Public hearings are essential for public confidence. It is also clear that the mischief of this Bill is to enhance Police accountability and put the onus on the Police to act in a manner conducive to good governance and put an end to misconduct within the Police Force and, to that end, no fellow Police officers can investigate his own peers.

The people of Mauritius must have entire confidence in the Police Force, which is based upon trust and integrity to serve the people of Mauritius; a Police Force which can effectively deliver the basic services of upholding law and order when treating the individuals with due respect. And it is for this reason that this Bill also proposes to promote better relations between the public and the Police - perhaps through a regime of education.

The Government has today delivered one of its key electoral promises. It involves in a fundamental shift in the Mauritian integrity regime. One of the great tests of true political leadership is integrity, that is, the integrity to be open, honest and accountable and, of course, the integrity to keep electoral promises. A good Government is one which is capable of building resilient, effective and long-lasting institutions.

Madam Speaker, the centrepiece of this Government Programme for Government integrity is the establishment of an independent Commission in accordance with international norms, and a Commission which is truly independent.

One of the Government promises was to ‘clean’ or ‘rid’ Mauritius of corruption and bad practices. It is a clear electoral mandate and it involves a fundamental shift in the Mauritian integrity regime. This Government is delivering the most far-reaching reforms to the integrity systems in Mauritius. We have witnessed the enactment of the Good Governance and Integrity Act.

This Bill represents the next step in the process of delivering the Government’s ongoing integrity reforms. This Bill will ensure a better Police Force and will give confidence to any complainant that he or she will have a fair hearing.

I believe this Bill is a strong investigatory body that has the teeth it needs to deal with Police misconduct in Mauritius. It is an excellent Bill, which I will be happy to vote.

Thank you, Madam Speaker.

(7.04 p.m.)

Mrs D. Boygah (Second Member for Vieux Grand Port & Rose Belle): Madam Speaker, this House bears witness, this Government is setting records straight in many fields. Many legislation addressing numerous issues have been voted. The recent Domestic Violence Act is a vivid example of the seriousness with which this Government is dealing with ills which have been plaguing our society for years now.

Madam Speaker, today with the presentation of the Independent Police Complaints Commission Bill, another scourge of our society is targeted for remedial actions. People in different spheres have been complaining about violence and malpractices perpetrated by some members of our Police Force. Complaints in a recent past against the MCIT abound.

What is appealing, Madam Speaker, concerning this Commission is that it will not comprise of three distinct divisions each headed by a Deputy Chairperson with its own staff.

Each of these divisions will address one particular issue -

- (1) Human Rights Division which was dealing with complaints where people feel their rights have been violated;
- (2) Police Complaints Division, very suggestive of its object, and
- (3) National Preventive Mechanism Division, which will work towards prevention and education.

I wish to point out, Madam Speaker, that this Bill should not be viewed as one to deter the Police Force from carrying out its duties. It addresses only those very few who misuse in a shameful manner the power of their uniforms. Nevertheless, it should not be overlooked that many accused brand the weapon of Police beating or any other sort of violence or corruption in an attempt to defend themselves.

Madam Speaker, with this new Bill, it will henceforth be up to the Independent Police Complaints Commission to inquire, establish and surface the truth.

The vast majority of our Police Force is doing superbly well, Madam Speaker. I wish, therefore, to address my sincere appreciation for their excellent job. So many cases of bank looters, murder, and rape are being solved in hours within they have been committed. Yet, there exists a profound perception, rightly or wrongly so, that the Police violence and

malpractices are prevalent in our Police Force. Police is accused of extracting confession from innocent persons through the use of illegal methods, mostly physical violence. Many have lost their lives whilst being in custody. The State is confronted with numerous cases of claims of compensation. Millions of rupees are due to the families of persons deceased in Police custody. Enough of these, Madam Speaker! The Commission shall act as a deterrent against such malpractices.

Madam Speaker, as matters stand, complaints by presumed victims of Police violence are being dealt with by the Police Complaints Division of the Police Force. Police inquiring upon the police is for sure in an uncomfortable situation, giving rise to a non-confidence in the Police Complaints Division and a pronounced perception of cover-up in many cases. It is a paradox that Police is being called to investigate upon Police and hence finds itself in a position of judge and party at the same time. Again, Madam Speaker, the setting up of the Commission acting in complete independence will wipe away this perception.

Madam Speaker, replying to hon. Baloomoody regarding what he said backing of the Authority, I wish to remind the hon. Member that we are all aware, Madam Speaker, that a Unit at the Line Barracks was perceived as acting under the order of someone above the Commissioner of Police in the past. Many opponents of the then Government were victims of this Unit. No complainant aggrieved and persecuted as he or she might have been, was given positive response of their legitimate complaints. Such complaints were cast aside and considered as spate. Now, with the setting up of the Independent Commission, accountable to none, Madam Speaker, no interference will be possible. An Independent Commission under the Chairmanship of a respectable Chairperson will remain aloof of political indifference.

Madam Speaker, the prime duty of the Police is to uphold law and order in the country. Everything should be done to provide the Police Force with the proper tools, adequate formation and high-tech equipment and proper encouragement to enable these officers to fulfil the mission set up by the Police Force. Therefore, I maintain and reaffirm, Madam Speaker, my statement that this Commission is not being set up to punish members of the Police Force, but to establish the truth in the complaints made by members of the public against the Police.

Madame la présidente, je suis convaincue que cette commission va aider à redorer le blason de la force policière quand je crois qu'il y a une grossière exagération dans des nombreuses plaintes d'abus à l'encontre de la force policière. La police est le bouc émissaire

tout trouvé par certains hommes de loi qui utilisent cette excuse, désormais célèbre, pour défendre leurs clients. J'ose espérer que la commission sera impitoyable contre ceux qui éclaboussent l'image de notre force policière par des allégations frivoles et non fondées, Madame la présidente.

Madam Speaker, I note with a certain apprehension that section 11 (6) of the Police Complaints Commission Act has been maintained in clause 13 (6) of the Independent Police Complaints Commission Bill. I quote –

“A person may, at a hearing, refuse to give any evidence, to produce any document, or to provide any information which would incriminate him.”

Madam Speaker, I am fully aware that this section is in line with the provisions of our Constitution regarding the famous sacrosanct notion of « *Droit au Silence* », yet, I apprehend that the suspects may abusively brand this section to escape from giving explanations or evidence, thus rendering the Commission ineffective mainly during the hearings. I hope, Madam Speaker, that the Commission is adequately empowered to deal with persons who take undue advantage of this section.

Madam Speaker, prevention is better than cure. I note with utmost satisfaction that a National Preventive Mechanism Division has been set up within this Commission. This Division has a decisive role to play in curbing the number of cases of complaints against Police violence and malpractices. This Division has the mission to devise any such measures to initiate such actions that will keep Police officers from wrongdoings. It is called upon to broaden its “*champ d'action*”, Madam Speaker so as to include the public at large. This Division can eventually help to sensitise the population in many fields relating to law and order and related issues. I understand, Madam Speaker, that the ICAC is doing an excellent job in that field.

Madam Speaker, I request that this particular Division starts its function by widely publicising the objects of this commission. It is a fact that most of our people are unaware of their elementary rights and duties as responsible citizens of this country. This unusual situation has shaped in a negative manner the mindset of most of our past and present generations. Once the mind is set, it becomes nearly impossible, Madam Speaker, to expect for a 180 degree change. I aver that the National Preventive Mechanism Division targets the youth in schools, colleges and universities. It should broaden its avenues and not restrict itself to Police officers only.

Madam Speaker, I appeal to the National Preventive Mechanism Division to come up with the periodical pamphlets or booklets containing highlights of various legislations like, for example, the Domestic Violence Act, the Independent Police Complaints Commission Bill and also other measures taken by the Government. These pamphlets could be distributed in schools and colleges to sensitise our youth, so far unaware and unconcerned by the positive changes brought by this Government for the betterment of our society.

Madam Speaker, as far as complaints against Police are concerned, I am of the opinion that video recording of statements of all suspects should come in force as soon as possible. This will certainly help to curb the number of cases of Police complaints and malpractices. The recordings should indicate the date, time, place, and an oral statement from the suspects as to their state of mind and willingness to give their statements voluntarily prior to and during video recording.

Madam Speaker, to sum up, I would congratulate the Rt. hon. Prime Minister to bring this Bill to the House and I hereby wish to voice my plea that a woman be appointed as Chairperson of this Commission and as one of the Deputy Chairperson. This is in line with the Government policy of enhancing the status of woman.

Thank you, Madam Speaker.

Madam Speaker: Hon. Abbas Mamode!

(7.16 p.m.)

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Merci, Madame la présidente. Le mot 'police' vient du latin '*politia*' qui, lui-même trouve son origine dans le grec, lequel dérive du mot 'polis'. En vieux français, '*pollice*' signifiait 'gouvernement'. Au fil des années, le mot s'est limité à la gestion d'une cité pour acquérir son sens actuel d'organe, de règle et de mission permettant d'assurer le maintien et le rétablissement de l'ordre public.

Madam Speaker, trust is essential if the Police are to receive information from the public which helps them to detect and combat crime. It is also essential to enable the public to feel at ease, to seek the assistance and protection of Police officers wherever necessary.

The Police have significant powers to intervene in our lives when they believe we need to be prevented from harming ourselves or others or from committing acts of criminality.

Their powers are such that there are even circumstances in which a Police officer may lawfully take a life. We live in a multicultural and multiracial country where it is of cardinal principle that everyone should be treated with justice, fairness and equity.

The essence behind the Protection of Human Rights Act is the promotion and protection of human rights in Mauritius and the role is to allow enjoyment of the inherent rights of the citizens. Nobody is above the law and no one can use the law in a way or the other to protect himself from committing a crime. Even, we, hon. Members of this Assembly, are not above the law. The Police, the Court and the penal institutions form part of the criminal justice system. However, the Police play a vital role to maintain law, order and stability for the citizens of the country and foreigners.

In addition, the authority exercised by them cannot be absolute and there is a crying need to impose mechanism, measures of checks and balances on them to prevent eventual abuse of power. Madam Speaker, this is not rebranding. *Nous nous sommes en train de changer. Cette loi sera une loi où il y aura une institution indépendante* to prevent an eventual abuse of power, because there is eventual abuse of power. I am against the death penalty because the Police *ne sont pas infaillible*, occasionally, they can make errors and it would not be in the interest of the country to have innocent people to pay and be sent to the gallows as a result of Police errors.

Being independent reflects the principle of separation of powers. There shall be no overlapping and potential risk of conflicts.

With the advance of globalisation, people are more aware of the situation. As a matter of fact, Police play a significant role in every facet of life regarding socio-economic, political and environmental issues which increase the heavy workload of the Police.

With regard to other countries, the Police Force is induced in specific duties to enhance stability, peace and welfare of the citizens of the society.

In line with the Government Programme 2015-2019, the introduction of the Independent Police Complaints Commission Bill is considered to be a landmark, Madam Speaker, to secure and maintain public confidence in the complaints system for the betterment of the society as a whole.

The Commission is an independent body which will comprise of either a Judge, a Magistrate or a law practitioner to better ensure the smooth running of the activities.

The goals of the Commission are-

- To investigate into complaints made against Police officers in the discharge of their functions, other than complaints of acts of corruption, light bribery among others.
- To promote better relations between the public and the Police.
- To advise on ways in which any Police misconduct may be addressed and eliminated.

In the light of the above, it is not logic for the Police Complaints Division to investigate into complaints made against Police officers in the discharge of their functions, other than complaints of corruption or money laundering offences.

Sadly, there is a risk that our current law regarding police complaints may contain loopholes and might slip through situations. For example, recently the case of Iqbal who has been tortured to death, raised a lot of speculations in the society. Such situation impels people to lose confidence in the Police and which in return brings a negative impact on the socio-economic development of the country.

Another example, Madam Speaker, recently, we learned from the radio and newspapers, the incident that has occurred in the Court of USA regarding abusive powers of the Police over the black community. Such situations enable people to lose confidence in the Criminal Justice System.

In this regard, this Bill will shape the Police accountability, fundamental shift in Police nature to promote effectiveness and restore the confidence of the public.

To conclude, I seize this opportunity to thank the actual Commissioner of Police and his team for their good job. They are doing a very good job. In line with the Government Programme 2015-2019, I would like to express my appreciation and gratitude towards the Rt. hon. Prime Minister and other hon. Members of this Assembly to come forward with the introduction of this new Bill that will enable the public to be more confident in the complaint system which will be more accessible.

Thank you, Madam Speaker.

Madam Speaker: Hon. Shakeel Mohamed!

(7.24 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): I was quite amused, Madam Speaker, when I heard my friend, hon. Abbas-Mamode, who hails from the same constituency as I do, when he started out by defining the source of the word 'Police' and how he said that in the old days 'Police', 'Politia' in latin is another word for Government, and in other words, Police meant Government in the old days. I was about to say jokingly, 'Well, I mean maybe the old days have come back. Now 'days Police' also means Government. But I am sure this is not what he meant, that's not the allusion he was trying to make. Anyway! But what is interesting is, having heard all people addressed this debate. All hon. Members addressed debate...

Madam Speaker: Please, address the Chair!

Mr Mohamed: Correct! You are right!

I have noted that a lot of words have been spoken, such as the ones spoken by some Ministers in Government today, saying it is sad that certain hon. Members of the Opposition have a point of view supposedly trying to demean or in any way give a bad reputation or darken the name of the Police Force. This has never been the intention of the Opposition, far from it.

When I hear Members of Government speak on this particular piece of legislation, it reminds me of a situation which should stop happening in our country. It is not possible! And there, I take responsibility because I also belong to a party that was once upon a time when it was recently in Government. It is not possible for Members of Government to believe that everything that Government does is correct. So, I like when I hear the Chief Whip admitting that Government does wrong things.

Now, the fact is when we listen to hon. Members, Madam Speaker, hon. Minister Sinatambou said a few things just now, he said he was saddened. I, myself, am more than saddened when I hear the tone and tenor of the debate when it comes to the Government side. I think when we have to remove emotions from this whole subject, we have to remove political appertenance from this whole subject and not be blinded. We have to have the courage of admitting a few things.

Hon. Baloomoody has referred to a book on arbitrary arrests. Maybe the book does not talk about all arbitrary arrests that have occurred in this country for many, many years,

then we would not have a handbook, we would have to walk with volumes and volumes and volumes. Because fact is, as hon. Mrs Selvon - who is not here now - rightly said arbitrary arrest is not the domain of this present Government because it has happened under previous regimes as well. Fact! I here look at the hon. Minister of Youth and Sports. Has he been arbitrarily arrested? Let me say it loud and clear. Yes, I believe he was victim of arbitrary arrest.

(Interruptions)

Yes, I believe he was victim of arbitrary arrest. In those days, people then in the Opposition were quick enough to blame Government. It is the Government who has done it. And here, today, I hear hon. Sinatambou saying: 'we should not go as quick *en besogne*, saying that Government is responsible.' But, in those days, the Members in the Opposition were quick enough to say Government is responsible. But, I am taking it upon myself and saying: yes, there have been arbitrary arrests. Hon. Pravind Jugnauth! I remember a time when I was in the Republic of France on holidays in December reading the news and seeing the manner in which he was apprehended and arrested. His liberty was curtailed. I say it out loud, for me, this was an arbitrary arrest.

So, as far as I am concerned, the problem we face as a society when it comes to arrest, since this is what we are dealing with, we are talking about mainly the wrong that Police do when they arbitrarily arrest citizens of this country, foreigners as well, it is not something that has to do between 2015 and 2016. It has happened before 2015. It has happened as far back, if I am to think, to people who are known. This book does not talk about all arbitrary arrests of people who are well-known. As I said, it does not talk about the hon. Ministers who are in Government today. It does not talk about hon. Sir Gaëtan Duval as he was then, when I believe he was arbitrarily arrested. Therefore, there are serious issues that we have to face. People have been victims of arbitrary arrests.

Now, if we are to believe, as legislators, that this piece of legislation is the solution to our problems, I humbly disagree. We should be able to have respect for my views even though we are not on the same wavelength. So, I shall explain why I humbly disagree. I believe that Government has done a formidable job - a formidable job! - when it comes to this Bill as far as the copy and paste exercise is done. Formidable! Copy and paste exercise! It suffices us to simply hold the two Bills up in our hands and look at it. Look at it! We don't

even have to go through a computer to come and tell them to find the words that are similar. To the naked eye, we find the naked truth. This is a copy and paste exercise.

When I hear hon. Members of Government say with conviction that this is now a new piece of legislation that changes the whole game, that changes the whole reality and that now we will have what we have been longing for, for so many years, this independent body that shall now come to protect us from the abuse of Police. How does this piece of legislation, Madam Speaker, become new? I say it in all humility: how does this piece of legislation become a new piece of legislation that changes the game? I have analysed it. I humbly request all hon. Members, Madam Speaker, to look at it dispassionately.

The title itself talks about the Independent Police Complaints Commission Bill. The difference between the previous Bill that was presented in Parliament in 2012, are two words: 'independent', 'commission'. The only difference are two words: 'independent' and 'commission'. When one looks at the arrangement of the sections, the section arrangements are exactly the same when it comes to preliminary section, when it comes to Part II, when it comes to Part III 'Investigations', when it comes to Part IV, it is exactly the same. It is exactly the same and I speak here *en connaissance de cause* as a lawyer. It is exactly the same.

The only difference, Madam Speaker, is the following - the only difference, it is here Part IV 'Miscellaneous'. The only difference with regard to Part IV, is what? Is because this new Independent Police Complaints Commission is the body corporate and because it is a body corporate, you need, therefore, by law to address accountability issues and bring in clauses that have to deal with the issue of it being a body corporate because in the old law, it was not a body corporate. If this makes the whole difference in trying to come to give us the solution to our headache, then I never thought it was so simple. Of course, it is not simple! Of course, it is not easy to come up with solutions! But, here, Madam Speaker, we have chosen to walk a very easy line which is to simply copy and paste, with the exception of removing the word 'Division' and replacing it by the word 'Commission' and to make it independent, we have not changed anything *dans le fond*, we have simply changed one word and brought in the word 'Independent'. Alleluia!

We have found the light, we have found the way of so calling it 'independent'. Madam Speaker, this was not help because the fact remains. Hon. Mrs Selvon earlier stated something which, unfortunately, I do not agree with her and I respectfully say why I don't

agree with her. I don't agree with her when she says or gives the impression that this legislation that is being presented by the Rt. hon. Prime Minister today is the legislation that addresses or gives powers to this particular independent body to investigate into deaths while people are in detention.

Is this the first time that this exists? No! It is the impression that hon. Selvon gives by congratulating the actual Government and saying this is the first time! This is the impression she gives. But when I look at the previous legislation, it is exactly what exists here; that the powers of the Division was precisely to look into situations where, in custody, people are found to lose their life. This exists. It is a copy and paste exercise. Maybe the hon. Member has not gone as far as to look at the previous legislation or maybe the hon. Member did not go as far as to understand the previous legislation, but I think it is important for us to realise when hon. Abbas Mamode says, "now, we have come up with an independent institution", the word 'independent' does not make it independent! Because, in the previous institution, the Chairman was independent! In the previous institution, the members were independent! In the previous institution, there was no power of arrest! In this institution, the Bill proposes, it has no power of arrest! What makes it independent?

With regard to the qualifications of the Chairperson, what makes it so different as to make it better? Nothing! The qualifications of the members, what makes it today so different that makes it better? Nothing! What is the difference between the two Bills, their operation? I am not making a *procès d'intention* - I have almost finished, as I promised. The intention of Government is surely to find a solution to the problem. But I humbly say here that I do not believe that this is the solution, not even closely.

Now, people will say, "well, it was your Government that came up with the previous legislation. You were Minister then." Yes, I was. And let me put it out right. When finally this was put into practice, when we found how it worked, Madam Speaker - I would like the Rt. hon. Prime Minister to acknowledge that here I am not in any way criticising his work and his intention. I have no right to even in any way doubt his intention to bring a piece of legislation that will be a solution in the long term. I have no right to doubt that. What I am saying here is it has not worked what we did in 2012 because they were badly staffed. They did not have all the powers that they should have had. They did not deal with the Police powers as investigators as they should, as reminded to me earlier on by hon. Ramful. Therefore, in this particular case as well, we go and end up with the same situation.

What I would propose, to conclude, is the following: there should be constitutional amendments, whereby you have independent body that also has powers of arrest, Madam Speaker. Because in this particular case, we all remember the scenario recently - and I will not mention names -, where ICAC tries to arrest but the Commissioner of Police says, "Wait, I will have to reflect." In this scenario, it is the same thing. A Police does wrong, they have to have an arrest, they cannot because the Commissioner of Police is the person who detains this power of arrest. Imagine it is the Commissioner of Police himself who is being investigated, imagine the people around him, after what we have heard this morning, are being investigated, and they do not proceed to arrest because they detain that power! We are, therefore, going to end up avec un *bouledogue sans dents*, in spite of the good intention or intentions of one and all.

This is my humble suggestion that, yes, we are trying to fight this on a common front, all of us looking in the right direction, but we do not necessarily have the solution here. For sure, it is not. Therefore, when hon. Minister Sinatambou says that we are missing an opportunity, I gladly miss opportunities to vote a copy and paste and sometimes a cutting and pasting exercise, as provided here to the innocent Rt. hon. Prime Minister. I put it very simply: to the innocent Rt. hon. Prime Minister. I am of the view that he is being wrongly directed here in spite of all his experience and goodwill which he has. I believe that we could have looked at this piece of legislation differently, be ingenious and be bold, come up with constitutional amendments. The Rt. hon. Prime Minister and Government have the majority for that, you can claim it and we will stand by you if you do it - to come and say that this body should be totally independent and even have powers of arrest, if need be. Then, it does not play along the rules of the Commissioner of Police whose Force is being investigated.

Now, yes, let me say it again, to conclude, there have been arbitrary arrests along the years, not only under one regime, but under many regimes. There have and it should stop. Secondly, we should ensure that when we mean independent, we give it its independence, and once and for all Opposition and Government should look in the right direction in the interest of the citizens and put politics and politicking aside. We can do it, Madam Speaker, and my humble request to the Rt. hon. Prime Minister respectfully is that this legislation, if he looks at it very carefully, with all the experience that he has at the Bar, he will realise, I am sure, that this is not what he himself would have wanted deep down.

Thank you.

Madam Speaker: Hon. Mrs Jeewa-Daureeawoo!

(7.40 p.m.)

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo): Madam Speaker, it is indeed a great pleasure for me to welcome the Independent Police Complaints Commission Bill 2016 which, when adopted, will be repealing the Police Complaints Act 2012.

I will indeed stick myself to the provisions of the Bill. The Police Complaints Division was set up by an amendment to the Protection of Human Rights Act 1998 in 2012. It was set up as a Division of the National Human Rights Commission and was established for the better investigation of complaints against members of the Police Force.

While the Protection of Human Rights Act 1998 catered comprehensively for the operation of the Human Rights Division of the National Human Rights Commission, the amendment to the Protection of Human Rights Act 1998 only made provisions for the establishment, composition and appointment of members of the Police Complaints Division. The amendment to the Protection of Human Rights Act 1998 did not as such make provisions for the functioning, the powers and mode of operation of the Police Complaints Division. Thus, came the Police Complaints Act 2012 to complement the amendments to the Protection of Human Rights Act 1998.

With the coming into force of the Police Complaints Act 2012, the Complaints Investigation Bureau of the Police Force that existed was duly replaced by the Police Complaints Division. The Police Complaints Act 2012 was intended to address all those matters that were deemed important to ensure the smooth running of the Police Complaints Division in line with its statutory mission.

However, certain provisions of the Police Complaints Act 2012 did not provide a clear and confident picture of the operation of the Police complaints system. For instance, section 3 (2) of the Police Complaints Act 2012 would refer us to section 3 of the Protection of the Human Rights Act 1998 for the composition of the Police Complaints Division. This would mean that the two legislative provisions had to be considered as the framework for the operation of the Police Complaints Division.

The Independent Police Complaints Commission Bill 2016 is really insightful. This Bill not only provides for the repeal of the Police Complaints Act 2012, but at the same time provides, under section 26, for consequential amendments to the Protection of Human Rights

Act 1998, amongst others. Under clause 3 of the Bill, the Independent Police Complaints Commission is established and its composition is extensively and clearly set out.

Furthermore, while the Police Complaints Act 2012, under its section 7, barely provides for the staffing of the Police Complaints Division, the Bill on its part gives due consideration to the proper staffing of such an important institution. Indeed, we are concerned with a statutory institution, which will be dealing with the grievances of the general public.

Clause 7, therefore, of the Bill rightly provides for the appointment of a Secretary to the Independent Police Complaints Commission, the procedure for such appointment and the duties of the Secretary.

Clause 8 of the Bill goes further to provide for the appointment of public officers to assist the Independent Police Complaints Commission in its mission. It equally caters for the transfer, promotion or secondment of officers in the public service to any office in the Independent Police Complaints Commission. This clause also empowers the Independent Police Complaints Commission to employ on contractual basis such suitable qualified persons as may be necessary for the proper discharge of the Independent Police Complaints Commission functions.

Lastly, on this aspect there is a new provision with regard to the delegation of powers and functions of the Secretary. As such, clause 9 of the Bill entitles the Secretary to delegate his powers and functions to such other designated officer with the approval of the Independent Police Complaints Commission.

Now, all these provisions concerning the staffing of the Independent Police Complaints Commission are, indeed, essential when we consider the significance of the mission of the institution that is being set up under the present Bill. It is apposite to note that section 7 of the Police Complaints Act 2012, the provision for staffing was quite vague. The said section simply provides, I quote –

“7. Staff of Division

- (1) (...), the Commission shall provide the Division with adequate staff and facilities for the proper discharge of its functions”.

Every hon. Member here, today, will agree with me that lack of clarity leads automatically to loss of resources, which is a direct blow to competence.

Madam Speaker, the point I want to make is that by making precise provisions on the staffing and the powers of the officers, this Bill has outdone the Police Complaints Act 2012. I am now confident that staffing and related issues will not be a clock in the performance and progress wheel of the Independent Police Complaints Commission.

That being said, Madam Speaker, I would also like to refer to clause 18 which imposes a duty of confidentiality on the members and officers of the Independent Police Complaints Commission. It is true that wrongful and illegal disclosure of information leads to unprecedented prejudice to the aggrieved party. We are promoting the establishment of an Independent Police Complaints Commission and it is a *sine qua non* condition that the members and officers who form part and parcel of this institution be diligent and dedicated to their functions. This would ensure that justice is meted out in all cases.

The Police Complaints Act 2012 did not contemplate to provide for such an essential duty. However, this Bill has not only found the need to incorporate the duty of confidentiality into its enactment, but has also under its clause 18(2) incriminated any contravention by any member or officer of this sacred duty. Any member or officer who will contravene this duty of confidentiality will commit a criminal offence and, on conviction, he will be liable to a fine not exceeding Rs50,000 and to an imprisonment for a term not exceeding one year. This criminal sanction would, undoubtedly, be additional to any disciplinary action that might be taken against the member or officer concerned. Such a stringent approach to the investigation of complaints from the public will reflect the seriousness and, if I may say, dedication of the institution. Madam Speaker, accountability and transparency guarantee fairness and justice.

The Independent Police Complaints Commission will be under a legal obligation to submit an annual report which will be laid before the Assembly. This is not provided for under the Police Complaints Act 2012. This new provision will enable this House to appreciate the achievements of the Independent Police Complaints Commission annually. It will also provide an opportunity to this House to assess the effectiveness of the Independent Police Complaints Commission. The House will thus be able to recommend future amendments to the law to boost up the performance of the Independent Police Complaints Commission where and if the need is felt in the future.

There is also the possibility of providing in regulations for a prescribed form for recording of complaints. The Bill entitles the Minister to make regulations. This power will

enable the Minister to make even more detailed provisions. The Bill when passed together with such regulations would be the correct legal framework that would guarantee the successful handling of complaints against Police officers. I am of the humble opinion that, with the coming into force of the Independent Police Complaints Commission Bill, the public will have a comprehensive piece of enactment which sets out in-depth both the procedural and the substantive aspect of the complaint system.

I would, thus, applaud this Bill for its insight and clarity. I would also applaud this Bill for its future contribution in the promotion of consistency, predictability and confidence in the complaints system. This Bill when enacted will form part of our justice system. We will then be able to pride ourselves on our endeavour to assist the public in all fairness and transparency. It is also worth noting that England and Wales is also equipped with an Independent Police Complaints Commission which was set up under the Police Reform Act 2002. The Commission started operating back in 2004. It was thought that a robust complaint system with an independent element would be a crucial part of the public accountability of the Police to act as a check on the exercise of their powers. I am pleased that, although late, Mauritius is following the steps of England and Wales.

I must say that the first thing that has captivated my attention in this Bill was the word 'independent.' This Bill creates an independent institution, which will not only be seen to do justice but which will actually do justice to complainants. Chapter 2 of the Constitution provides for the protection of the human rights of the citizens of Mauritius. These human rights also incorporate the right of the citizen to have his complaint against a member of the Police Force investigated on a timely and fair basis. This would, therefore, enable him to obtain an effective remedy which would in turn promote the confidence in the justice, legal and constitutional system of the country. Such is the purpose of this Bill.

With these words, Madam Speaker, I, therefore, fully support the adoption of this Bill. I command, and thank the Rt. hon. Prime Minister for bringing forward this Bill.

Thank you.

Madam Speaker: Hon. Toussaint!

Mr Toussaint: Madam Speaker, I move that the debate be now adjourned.

Mrs Boygah rose and seconded.

Question put and agreed to.

ADJOURNMENT

The Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 19 July 2016 at 11.30 a.m.

Mr Bodha rose and seconded.

Madam Speaker: The House stands adjourned.

MATTERS RAISED

(7.53 p.m.)

BAR MEMBER - MR K. T. – PRESS INTERVIEW

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): Madam Speaker, I would like to address an issue to the Rt. hon. Prime Minister and the hon. Attorney General, who is not in attendance, unfortunately. I am sure that his hon. colleagues will pass on the message to him.

In a recent interview given to the press by a member of the Bar - should I basically, for the sake of rectitude, called him Mr K. T. He has given an interview in a paper recently, Madam Speaker, and that interview was published in 'Week-End' newspaper on 03 July. It is entitled: '*Je suis un nominé politique compétent.*'

In that particular interview - this is addressed to the Rt. hon. Prime Minister since it is very, very important - there have been serious allegations with regard to the Solicitor General. That is a very important position in our system of Government. Serious allegations and allusions made against the Solicitor General and, if I am not mistaken, even the office of the Solicitor General in the manner in which it has been portrayed and stated in this interview. Whatever has been stated is with regard to this lawyer being shocked to discover that the FIU was paying on a monthly basis the Solicitor General in his own name, as though making it that the Solicitor General *quémande du travail* de la part du FIU and also addressing the issue as to whether lawyers from the public service have the right or not to work as lawyers for other Bodies. The Rt. hon. Prime Minister himself would recall that he himself as from 1983 and even in the 1990s when he was still Prime Minister had given this dispensation through the President of the Republic to allow lawyers from the public service to work since they have been doing so in all legality.

So, the serious allegations made in the press here, I humbly request the Rt. hon. Prime Minister to humbly request the hon. Attorney General to come up with a statement at least, or

to come up with a communiqué to reassert the confidence of Government and the Republic of Mauritius in the office of the Solicitor General and the Solicitor General and his officers because this undermines the confidence in the Solicitor General's Office *et les agissements* which are really given a bad image here. This is being circulated not only in printed press, Madam Speaker, but it has also gone as far as online documents all over and knowing that the Rt. hon. Prime Minister has been very respectful of institutions and has always said how it is and how he has experienced at the Bar, he, himself, having been many, many years there, I humbly, once again, request that the Attorney General sets records straight through the intervention of the Rt. hon. Prime Minister.

The Prime Minister: Madam Speaker, it is true that Barristers working in Government were allowed to work, not to undertake any work but only in parastatal bodies and Government companies. In fact, I have read the interview myself and the Solicitor General saw me on this, but I advised him that if he believes there is an offence, go and make a declaration at the Police, let the Police inquire. I hope he has done so.

Madam Speaker: Hon. Uteem!

TRANQUEBAR - SQUATTERS

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. I have a matter to raise which concerns the Vice-Prime Minister, Minister of Housing and Lands, who is not here but I hope one of his colleagues will transmit it.

That is in relation to the squatters of the Tranquebar region. The Minister of Social Integration and Economic Empowerment is in the House. On 30 November 2015, the Minister of Housing and Lands, together with the Minister of Social Integration and Economic Empowerment, proceeded to allocation of lots to 56 squatters of Tranquebar and when that was done, it was stated, and I quote –

“The housing units have already been constructed and infrastructural works already completed. The Letter of Intent will be issued as soon as possible to enable them – the squatters – to make application to obtain electricity and water connection”.

That was an official press release and that was done on 30 November 2015. We are now in July. So, may I ask the hon. Minister to look into the matter and see to it that all these people

who have been promised an accommodation, a unit in, I think, Pointe-aux-Sables, be given their Letter of Intent.

The Minister of Social Integration and Economic Empowerment (Mr P. Roopun): In fact, Madam Speaker, I am aware of this issue and I know that the hon. Vice-Prime Minister, Minister of Housing and Lands is working on all the formalities so that all contracts could be delivered to those persons. I'll surely convey the message and try to see how the matter can be expedited.

Madam Speaker: Hon. Bhagwan!

**POPE HENNESSY STREET & COLONEL MAINGARD STREET, BEAU
BASSIN – DRAIN WORKS**

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): Madam Speaker, my complaint is addressed to the hon. Minister of Public Infrastructure and Land Transport. So, *je me fais le porte-parole des habitants de la région de Maingard, Beau Bassin*. There have been some works allocated to one particular contractor concerning drain works along Pope Hennessy Street and then continuation to *Colonel Maingard* Street. But, unfortunately, since one month work has started and the contractor has left the site with all his plastic buntings, which is causing a lot of inconvenience to the general public of the regions. Especially this is a region where you have members of the *École des Aveugles* who reside in the region and have to attend the Centre Loïs Lagesse. So, can I ask my good friend if he can rapidly direct the RDA to do the needful so that at least work may continue and then be completed?

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): Madam Speaker, I have already referred the matter to the RDA for urgent action.

DRUGS (SYNTHETIC) – CONSUMPTION

Mr S. Rughoobur (Second Member for Grand' Baie and Poudre D'or): Madam Speaker, I have a special request for the Rt. hon. Prime Minister based on the issue of synthetic drugs.

Only a few weeks back, I raised the case of a young gentleman who hanged himself. He was living at Cap Malheureux. That was a suspected case of consumption of synthetic drugs.

Madam Speaker, I have a second case of another young gentleman of 23 years of age who again on the suspected case of consumption of synthetic drugs, got himself hanged. He was residing at Goodlands.

I have also got requests from the PTA of Friendship College (Boys) and (Girls) of Goodlands and Adolphe de Plevitz SSS at Grand' Baie where there have been suspected cases of consumption of synthetic drugs by children between 10 and 16 years of age. The situation for me is becoming alarming in the north...

(Interruptions)

... in my Constituency where I have personally met and discussed with NGOs and many representatives of socio-cultural organisations.

According to reports, the situation is dramatic in other regions of the country as well.

(Interruptions)

The Rt. hon. Prime Minister has never made any compromise on the issue of drug control. His personal commitment and dedication to the cause of the victims of drugs can never be sufficiently acclaimed. I make an appeal to him to please look into the possibility at least of setting up – I did propose this last year - a National Commission on Prevention of Drugs and Substance Abuse which might be attached to the Prime Minister's Office. I know that there is presently the Harm Reduction Unit at the level of the Ministry of Health and Quality of Life. They can work together but that is my request to the Rt. hon. Prime Minister.

Thank you very much.

The Prime Minister: Well, I am sorry, I don't appreciate that sort of request because we know, it is known today to everybody that very young boys and girls are manufacturing their own synthetic drug and they do it in their own house where they live with their own parents. I can't have Police everywhere in every house to keep control of this synthetic drug. I have always been saying this is the responsibility of parents and the hon. Member should sensitise instead the parents that they should take up their responsibilities and then, of course, I have already suggested that at school, teachers also should sensitise these children, warn them of what will be the ultimate consequences of consuming such drugs, and once the children are aware of what will happen to them, I am sure they will keep away from these drugs.

Madam Speaker: Hon. Ramful!

MARE TABAC RIVER - DREDGING WORKS

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Thank you, Madam Speaker. I have an issue concerning dredging works which are being carried out along the river Mare Tabac and it is an issue which is under the responsibility of the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management.

I have received complaints from the inhabitants that those dredging works are not being carried out properly and they are concerned that if there is another flooding, there might be the same problem again. So, may I make a request to the hon. Minister to please send his officers to supervise the work?

(Interruptions)

Madam Speaker: This is for the hon. Minister of Environment.

The Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management (Mr A. Wong Yen Cheong): Madam Speaker, in fact, hon. Henry talked to me about this problem and I have already asked my officers to do the necessary and to have a complete report given to me as soon as possible.

At 8.07 p.m., the Assembly was, on its rising, adjourned to Tuesday 19 July 2016 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

SHIP MV BENITA – SALVAGE OPERATION - EXPENDITURE

(No. B/715) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the ship MV Benita, he will state the costs incurred by Government as at to date, giving a breakdown thereof following the reported engine breakdown thereof, the loss of the two anchors thereof and that it had gone off Le Bouchon.

Reply (Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands): The costs incurred to date in regard to the ship MV Benita is approximately Rs13 m., sum which will be passed over to London P & I Club.

Mr Ian Carter, Claims Executive from the London P & I Club, who was in Mauritius from 07 to 10 July 2016 has informed that his organisation is committed to the refloating operation of M/V Benita and to the pollution clean-up operations.

The main expenditure incurred in the salvage operation is for the Police Helicopter Squadron for providing helicopter services. Here is some of the current expenditure incurred by the different stakeholders as at date.

The details of expenditure incurred to-date by the relevant stakeholders in regard to MV/Benita are approximately as follows -

(i) Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands -

● **Fisheries Division**

Staff and Administrative Costs: Rs92,000

● **Shipping Division**

Staff and Administrative Costs: Rs340,000

(ii) Ministry of Environment, Sustainable Development and Disaster and Beach Management -

Staff and Administrative Costs: Rs308,000

(iii) Mauritius Ports Authority (MPA):

Provision of 300 mts of boom: Rs2m.

(iv) Mauritius Revenue Authority -

(Customs)

Staff and Administrative Costs: Rs344,000

(v) Mauritius Oceanography Institute -

- **Fieldworks (Offshore Current Pattern Survey and Sediment Sampling)**
- **The field work performed so far by MOI staff icw the grounding of MV Benita amounts to Rs65,000 approximately.**

(vi) Meteorological Services -

Staff and Administrative Costs: Rs15,000

(vii) Police Helicopter Squadron -

Human Resources/Equipment/Logistics: Rs8.5 m.

(viii) National Coast Guard -

Human Resources/Equipment/Logistics: Rs1.2 m

Gross Total estimated costs incurred as at to date Rs13 m.

POLICE OFFICERS – DISCIPLINARY ORDERLY ROOM – COUNSEL REPRESENTATION

(No. B/722) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Police Officers who are called upon to appear before the Disciplinary Orderly Room, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if measures will be taken to ensure that they are allowed to be represented by Counsel of their choice thereat.

Reply: I am informed by the Commissioner of Police that disciplinary proceedings in the Mauritius Police Force are governed by the Disciplined Forces Service Commission (DFSC) Regulations 1997 and the Police Standing Orders No. 21.

Internal disciplinary proceedings are governed by the Police Standing Orders No. 21 in which there is no provision for Police Officers to be represented by Legal Counsels or by persons outside the Police Force during hearings before the Disciplinary Orderly Room.

However, a Police officer may, under the same Standing Orders, request a Superintendent or an Assistant Superintendent of Police to defend him before the Disciplined Orderly Room, if he so wishes.

On the other hand, for cases which are referred to the Disciplined Forces Service Commission, Legal Counsels may appear for Police officers before the Disciplinary Board set up by the Commission.

As the disciplinary proceedings before the Disciplinary Orderly Room are proceedings internal to the Police, the Commissioner of Police does not envisage making provisions in the Standing Orders to allow Police officers to be represented by Legal Counsels who are persons outside the Police Force.

PORT – POLICE STATION

(No. B/723) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for

Rodrigues and National Development Unit whether, in regard to the port, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) if he is aware that three areas thereof are uncontrolled and, if so, indicate if urgent remedial measures will be taken in relation thereto, and
- (b) the number of vacancies that presently exist at the Police Station found thereat, grade-wise, indicating if the buildings housing same and the Port Police Headquarters are in derelict states and, if so, indicate if consideration will be given for the construction of new and modern ones in replacement thereof.

Reply: In regard to part (a) of the question, I am informed by the Commissioner of Police that the Port is a restricted area divided into nine zones which are controlled by Police.

Out of the nine zones, three zones, namely the Taylor Smith Co. Ltd, *Froid des Mascareignes* and Mauritius Freeport Development premises are covered only by Police Mobile Patrols. Arrangements have now been made for Police Sentry to be placed on these sites round the clock. In addition, these three zones are provided with CCTV camera surveillance and private security services on a 24-hour basis.

Moreover, the Police, ADSU and officers of the Mauritius Ports Authority carry out regular joint patrols on the landside whereas the National Coast Guard monitors the movement of people and boats on the seaside.

I am further informed by the Commissioner of Police that with a view to maintaining order and ensuring security within the Port area, Police have jointly with the Mauritius Ports Authority, the Cargo Handling Corporation Ltd and the Mauritius Revenue Authority put in place the following measures -

- (i) surveillance through some 100 CCTV cameras installed by the Mauritius Ports Authority at strategic locations in the Port;
- (ii) frequent foot and mobile patrols by Police to monitor the movements of persons and vehicles;
- (iii) vehicle stop and check operations;
- (iv) security checks by Police officers at specific points of entry;
- (v) a 24/7 hotline at the Operations Room of Port Police for coordinating and monitoring of patrols;
- (vi) daily coordination with private security companies operating within the Port area;

- (vii) sharing of information and problem solving through the National Maritime Harbour Security Committee which is chaired by a Deputy Commissioner of Police, and
- (viii) the Cargo Handling Corporation Ltd is proceeding with the installation of some 200 additional CCTV Cameras to cover its whole premises.

I am also informed that the Mauritius Ports Authority is in the process of appointing an international consultant to review the present security set up for the whole Port area and recommend measures to enhance security with the provisions of the International Ship and Port Security Code. The consultant will also be required to update the existing Port Security Plan, review the Draft Port Security Regulations and recommend measures to upgrade access control over private quays.

In regard to part (b) of the question, I am informed by the Commissioner of Police that some 131 officers are posted at the Port Police station and presently there is no vacant post thereat. Consideration would be given to increase the manpower in future, if the need arises.

In regard to part (c) of the question I am informed by the Commissioner of Police that the Port Police station and Port Police Headquarters are housed in two buildings which are owned and regularly maintained by the Mauritius Ports Authority.

However, in the context of the development of a Master Plan for the Port area by the Mauritius Ports Authority, provision will be made for a new building to accommodate a Police Station.

BUSES – PASSENGERS – EMBARKMENT & DISEMBARKMENT

(No. B/724) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the buses which embark and disembark passengers outside bus stops thereby potentially causing traffic congestions and hazards to the passengers and to the other road users, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of contraventions booked in relation thereto over the past two years, division-wise, indicating if additional measures will be taken to address the issue.

Reply: I am informed by the Commissioner of Police that the offence of alighting and picking up passengers outside a bus stop is a breach of Regulations 114 (a) of the Road

Traffic (Construction and Use of Vehicles) Regulations 2010. The penalty for this offence is a fine not exceeding Rs10,000.

I am further informed by the Commissioner of Police that as from January 2014 to 10 July 2016, the Police have established 256 contraventions against bus drivers for the said offence, as follows -

Metropolitan (North)	53
Metropolitan (South)	3
Northern	4
Southern	3
Central	8
Western	120
Eastern	65

In addition to the existing procedures for ensuring the safety and security of passengers and other road users, the Police have also taken a number of initiatives with a view to further enhancing those security measures, namely -

- (i) bus companies are being informed of the contraventions established against bus drivers working in their companies;
- (ii) Police have put in place a toll free hotline service on phone number 148, inviting members of the public to report drivers committing breaches of the Road Traffic Regulations for immediate Police actions;
- (iii) Police officers are deployed at bus stands and specific bus stops during peak hours to ensure safety of passengers including schoolchildren and elderly persons, and
- (iv) a Traffic Enforcement Squad has been set up at the Traffic Branch for enforcement of the Road Traffic Regulations.

MAURITIUS PROFESSIONAL FOOTBALL LEAGUE - SUSPENDED PLAYERS

(No. B/756) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to football, he will, for the benefit

of the House, obtain from the Mauritius Professional League Limited (MPFL) and the Mauritius Football Association –

- (a) information as to the reasons for the suspension of
 - (i) four players of the Association Sportive de Quatre Bornes, and
 - (ii) seven players of the Grande Rivière Sud Est Wanderers, and
- (b) copy of the Rules and Regulations of the Mauritius Professional League and the contract between the suspended players and the Clubs/MPFL and table same.

Reply: I am informed by the Mauritius Professional Football League (MPFL) that only 2 players of the Association Sportive de Quatre Bornes and 7 players of Grande Rivière Sud Est Wanderers have been suspended as all of them were involved in non-official football matches without prior approval of MPFL. Participation in non-official football matches is against Rule 12 of the Barclays Mauritius Premier League (BMPL) competition. This Rule stipulates that –

“No player once licensed by the MFA to participate in the PFL tournament is allowed to play for any other team in any competition/friendly match whatsoever except for the Mauritius National Team. Transgressing this rule will lead to a suspension of up to 2 years.”

As regards part (b) of the question, I am tabling a copy of both the Rules and Regulations of the Mauritius Professional Football League and a model of the contract between a professional player of the MPFL and his respective club as well as the Mauritius Football Association.

ST BRANDON ISLAND - REVENUE

(No. B/757) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the St Brandon Island, he will state the total amount of revenue derived therefrom in terms of tax, and fishing rights, since January 2015 to date.

(Withdrawn)

ILE AUX BENITIERS - LEASE

(No. B/758) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Ile aux Benitiers, he will state –

- (a) the status of the actual lease thereof;

- (b) where matters stand as to the proposed implementation of a hotel project thereat, and
- (c) if he proposes to take measures for a comprehensive co-management thereof.

(Withdrawn)

GRNW & PORT LOUIS WEST - HOUSING UNITS - CONSTRUCTION

(No. B/759) Mrs D. Selvon (Second Member for GRNW & Port Louis West)

asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Constituency No.1, Grand River North West and Port Louis West, he will, for the benefit of the House, obtain from the NHDC Ltd., information as to the number of housing units –

- (a) constructed thereat since January 2015 to date;
- (b) delivered to the constituents thereof since January 2015 to date, and
- (c) projected for construction thereat and to be delivered to the constituents thereof within the next three years.

Reply: I am informed by the National Housing Development Co Ltd (NHDC) that 24 social housing units have been constructed in Constituency number one, more specifically, at Pointe aux Sables since January 2015.

In regard to part (b) of the question, the 24 housing units were allocated to the eligible applicants in June 2016.

As regards part (c) of the question, I wish to refer the hon. Member to my reply to Parliamentary Question No. B/559 of 07 June 2016 whereby I indicated that there is scarcity of suitable plots of State land in Constituency number one. Hence, eligible applicants in the region are being considered by the NHDC for housing projects in the nearby localities such as in Calebasses, Baie du Tombeau, Gros Cailloux and Chebel.

DRUGS (SYNTHETIC) – CONSUMPTION

(No. B/761) Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the synthetic drugs, he will state the measures taken by his Ministry to –

- (a) curb the consumption thereof, and
- (b) create awareness regarding the potential threats to the health of the users thereof.

(Withdrawn)

SHIP MV BENITA - WRECKAGE

(No. B/762) Dr. Z Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the wreckage of the ship MV Benita on the Southern Coast, he will state where matters stand as to the progress of the repairs thereof.

Reply (Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands): Upon arrival the Five Oceans Salvage team carried a damage assessment of the vessel. The Damage Assessment Report and a preliminary salvage plan were submitted to the crisis committee on the grounding of the M/V Benita chaired by my Ministry on 19 June 2016.

The damage assessment report revealed that 3 cargo holds are breached and 2 are intact. Ballast tanks No 1, 2, 3, 4, & 5 port and starboard and bottom fuel tanks No 2 & 3 are also breached.

Pumping operations are still ongoing. To date, fuel oil and lubricating oil have been pumped in 159 cubitanks out of which 150 have been airlifted ashore and transported to Virgin Oil (Mtius) Ltd for treatment. A total amount of 113 tons of fuel oil and 19,100 litres of lubricating oil have been transferred.

A platform has been built on Ilot Brocus where skimming and cleaning operations are ongoing. The operation is being conducted by SWIRE Emergency Response team assisted by members of the Special Mobile Force and Fishermen from Le Bouchon. Four (4) cubitanks of oily sludge have been recuperated.

Four explosive tests on rocks have been carried out under the supervision of the Special Mobile Force by Mr. G de Marsh from DEMEX Inc on 05 July 2016 at Gamma Materials rock quarry at Gaulettes Serrés, Saint-Julien D'Hotman. The tests were conducted to determine whether the explosive method, if used to break the rock in cargo hold No 5 of M/V Benita, would achieve breakage of the target material.

A team consisting of Five Oceans' and GIPM divers together with a Remote Operated Underwater Vehicle has been used to assess the damages in cargo hold No 5.

In off lagoon current survey has been conducted by the Mauritius Oceanography Institute, the objective of which was to characterize surface current pattern in the region near the casualty in order to evaluate potential zone prone to oil spill from the casualty along the southern coast.

A Bathymetric survey has also been conducted in sea area around and behind the vessel by D.A.Y Marine Ltd in preparation for the refloating operation.

44 water samples and sediment samples have been taken for analysis. The Analysis is being conducted by QuantiLAB.

An Ecological Survey Plan and Biota Sampling Plan have been prepared by the Fisheries Division and the Ministry of Environment in collaboration with the International Tanker Owners Pollution Federation (ITOPF) expert to determine the damages to the marine ecosystems from the oil spill emanated from the grounding of MV Benita. The survey has started on Monday 11 July.

Following a diving survey carried out on 7 July 2016 and new information obtained, Salvors are confident that they might be successful to swing the vessel and get the rock out of cargo hold No. 5, thus not having to explode the rock. Preparations are underway on the vessel for the conduct of this operation towards the end of this week. Should this operation be unsuccessful, Salvors have indicated that they would need to use explosives to break the rock in cargo hold No 5 of M/V Benita before any refloating attempt.

CITÉ RICHELIEU – HOUSING ESTATE - REINSTATEMENT

(No. B/763) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Housing and Lands whether he will state if he has received a petition from the inhabitants of Cité Richelieu of Petite Rivière in respect of the deplorable state of the houses thereof and, if so, indicate if his Ministry proposes to take actions in relation thereto for the reinstatement thereof.

Reply: I am informed that, in March and April 2016, my Ministry has received seven individual representations from inhabitants of Cité Richelieu in respect of the state of their houses.

I wish to inform the House that the 550 housing units at Cité Richelieu were constructed in the 1960's by the ex-Central Housing Authority under the Cyclone Housing Scheme.

In line with the “Right to Buy” policy introduced by Government in 1989 to empower families to take full responsibility of their property, all the houses have been sold at a nominal price of Rs500 per unit to the tenants who are now full-fledged owners of their housing unit.

Following the representations of the inhabitants, officers of my Ministry have effected site visits whereby it has been observed that most of the inhabitants have already upgraded their housing units and carried out extensions, either laterally or vertically.

The inhabitants were informed of the various Government schemes available for the upgrading of their housing units such as -

- (a) the grant for the casting of roof slabs and the grant for the purchase of building materials which can be obtained at the NHDC;
- (b) the housing loan scheme at low interest rate available at the level of the Mauritius Housing Company Ltd, and
- (c) provision of building materials by the National Empowerment Foundation.

HOSPITALS – PARKING FACILITIES

(No.B/764) Mr A. Aliphon (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Quality of Life whether, in regard to the hospital premises, he will state if he is aware of the difficulties faced by the patients and the relatives and visitors thereof when attending thereto regarding the circulation and parking facilities thereat and, if so, indicate if consideration will be given for the advisability of reviewing the policy regarding parking facilities and introducing paid parking thereat.

(Withdrawn)

PUMP ROAD, ROCHE BOIS - AUCTION SALES - SECURITY

(No. B/765) Mr G. Oree (Second Member for Port Louis North & Montagne Longue) asked the Minister of Local Government whether he will state if he is aware of the precarious security situation at Pump Road, in Roche Bois, during the early morning auction sales of vegetables and fruits and, if so, indicate the measures taken by his Ministry to ensure the safety of the stakeholders thereof, especially, that of the planters.

(Withdrawn)

SICOM - SENIOR MANAGEMENT EMPLOYEES & BOARD DIRECTORS - BENEFITS

(No. B/766) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the senior management employees and Board Directors of the SICOM Group, the SICOM Financial Services and the SICOM Insurance Limited in post since 2011 to date, he will, for the benefit of the House, obtain therefrom, a list thereof, indicating in each case the –

- (a) posts occupied;
- (b) areas of responsibility;
- (c) salaries, allowances and fringe benefits drawn, and
- (d) details of the bonuses paid.

(Withdrawn)

COMMERCIAL BANKS - CHARGES

(No. B/767) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Finance and Economic Development whether he will state if he is aware of the charges imposed by commercial banks, including regarding the debit/credit cards at different point of sales and, if so, indicate if consideration will be given for a review thereof.

Reply: I am informed that, as a matter of policy, the Bank of Mauritius does not fix the rates charged by commercial banks. The Central Bank has allowed the market forces to determine the rates, fees, charges and commissions, including charges on debit/credit cards, at different point of sales in view of the status of Mauritius as an International Financial Centre.

On 03 October 2008, the Central Bank issued instructions to all commercial banks to upload their schedule of fees and charges on their respective websites to ensure that banks maintain transparency and offer their customers a choice in selection of the best option. Commercial banks are also required to upload and update these fees on the Central Bank's website.

Although the schedule of fees and levies charged by commercial banks is decided by individual banks, the Central Bank has the right to intervene if fees and charges prescribed by commercial banks are perceived to be usurious, excessive, arbitrary or prejudicial to public interest.

I have discussed the question of fees, charges and commissions with the Governor of the Bank. The Governor of the Bank has agreed to take up the issue at his next quarterly Banking Committee Meeting this August. He will exhort bankers to review their stand with regard to the fees, charges and commissions.

Moreover, I am informed that the Bank of Mauritius has signed a Memorandum of Understanding with the Competition Commission of Mauritius for the latter to examine fees, charges and commissions on payment cards (credit and debit cards) to ensure that commercial banks do not abuse of their positions to the detriment of their clients.

In addition, the Bank of Mauritius has become a member of Finconet in May 2016. This organisation, sponsored by the OECD, looks into the various aspects of protection of consumers of financial services. The objective of the Central Bank is to align its regulations on consumer protection with international best practices.