



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 22 NOVEMBER 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

PRINCIPAL OFFICERS AND OFFICIALS

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Duval, Hon. Adrien Charles
Deputy Chairperson of Committees	Hurreeram, Hon. Mahendranuth Sharma
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
Clerk Assistant	Gopall, Mr Navin
Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 33 of 2016

Sitting of 22 November 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. Office of the Speaker –

The Third Report of the Standing Orders Committee.

B. Prime Minister's Office –

Certificate of Urgency in respect of the following Bills (in original) –

- (i) The Limited Liability Partnerships Bill (No. XXIII of 2016);
- (ii) The Road Traffic (Amendment No. 2) Bill (No. XXIV of 2016).

C. Ministry of Tourism and External Communications –

The Report of Director of Audit on the Financial Statements of the Tourism Fund as at 31 December 2011 (in original).

D. Ministry of Finance and Economic Development –

- (i) Digest of Statistics on Rodrigues 2015.
- (ii) The Annual Report and Audited Accounts of the Board of Investment for the year ended 31 December 2015.

E. Ministry of Foreign Affairs, Regional Integration and International Trade –

Document on Trade in Services Agreement.

F. Ministry of Local Government –

- (a) The District Council of Black River (Fees for Building and Land Use Permit) Regulations 2016. (Government Notice No. 232 of 2016).
- (b) The Municipal Council of Quatre Bornes (Pay Public Toilets) Regulations 2016. (Government Notice No. 233 of 2016).
- (c) The Municipal Town Council of Beau Bassin-Rose Hill (Street Naming) Regulations 2016. (Government Notice No. 234 of 2016).
- (d) The District Council of Grand Port (Fair) (Amendment) Regulations 2016. (Government Notice No. 235 of 2016).

G. Ministry of Arts and Culture –

The Annual Report and the Report of the Director of Audit on the Financial Statements of the Mauritius Film Development Corporation for the year ending 31 December 2011 (in original).

ORAL ANSWERS TO QUESTIONS

POLICE OFFICERS - DRUG OFFENCES

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to drug related offences, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the Police Officers who have been involved therein in 2014, 2015 and 2016 respectively, indicating if any were Officers attached to the Very Important Persons Security Unit or to the Anti-Drug and Smuggling Unit, and
- (b) where matters stand as to the inquiry initiated into the –
 - (i) Arvind Hurreechurn case, indicating –
 - (A) the number of cells of the Moka Detention Centre in which the cameras of the CCTV Surveillance System were in good working order, and
 - (B) if a link has been established between this case and a gaming house operating in Rivière du Rempart, and
 - (ii) case of the recent seizure of drugs at St Rose, in Reunion Island.

The Prime Minister: Madam Speaker, with your permission, I shall reply to the Private Notice Question and to Parliamentary Question B/951 together as they relate to the same subject matter.

Let me at the outset reaffirm that my Government is fully committed to tackle the drug issue in the Republic of Mauritius.

I have to emphasize that this problem was left to deteriorate under the previous Government and that the former Prime Minister refused systematically to set up a Commission of Inquiry despite several appeals from the population and the then Opposition. This is why, in the Government Programme 2015/2019, the setting up of a Commission of Inquiry on drug trafficking was considered as a matter of high priority.

My Government is determined to pursue a relentless fight against drug traffickers and in so doing we are ensuring that our seaport and airport are equipped with state-of-the-art equipment and technology to counter any attempt to introduce drugs in Mauritius. The recent

acquisition of fast interceptor boats and patrol vessels for the National Coast Guard goes in this direction.

As the House is aware, the Commission of Inquiry on drugs has already been set up under the Chairpersonship of former Judge Paul Lam Shang Leen with wide terms of reference, ranging from the scale and extent of illicit drug trade and consumption in the Republic of Mauritius and their economic and social consequences, to the tracking of funds in order to identify illicit activities, as well as any evidence of political influence in the drug trafficking trade.

I am informed that the hearings of the Commission are still ongoing with stakeholders from all quarters deponing before the Commission.

Madam Speaker, in regard to part (a) of the Private Notice Question and Parliamentary Question B/951, I am informed by the Commissioner of Police that for the years 2014 to 2016, 21 Police Officers have been arrested in connection with drug related offences, namely 10 in 2014, 04 in 2015 and 07 as at 18 November 2016.

I am also informed that out of these 21 Police Officers, one was posted at the Very Important Persons Security Unit and none of them was posted at the Anti-Drug and Smuggling Unit.

Out of the 21 cases, 06 are under trial in Court, 13 are still under inquiry, one has been referred to the Director of Public Prosecutions for advice and in one case, the Director of Public Prosecutions has advised no further action.

Madam Speaker, in regard to part (b) of the Private Notice Question, I wish to refer the hon. Leader of the Opposition to the reply to Parliamentary Question B/888 made by the Acting Prime Minister on 15 November 2016. As stated by the Acting Prime Minister, a Police enquiry under the responsibility of the Major Crime Investigation Team has been initiated to determine the exact circumstances which led to the death of Mr Hurreechurn on 30 October 2016.

I am informed that a preliminary report was referred to the Director of Public Prosecutions on 04 November 2016 for the holding of a judicial enquiry. The Director of Public Prosecutions has asked for additional information regarding certain aspects of the case before tendering his advice. Consequently, Police is enquiring further into the matter.

As for part (b)(i)(A), I am informed by the Commissioner of Police that the Moka Detention Centre is equipped with 43 cameras which, amongst others, cover the premises, the recording rooms, corridors and the cells. There are 18 cells, 14 for male and 4 for female, which are equipped with 17 CCTV cameras. One camera covers 2 cells, namely cells number 8 and 9, while the other cells have one camera each. All the 43 cameras are non-functional as far as recording is concerned. As far as cells are concerned, live viewing is possible only by 5 CCTV cameras in 6 cells, namely cells number 5, 8, 9, 10 and 11 for male and cell number 2 for female. The camera in cell number 14 in which Mr Hurreechurn was detained is non-functional.

Madam Speaker, I reiterate that the system dates back to 2003 and has been found to be outdated and beyond economic repairs. Since 2014, two successive tender exercises for the replacement of the Camera Surveillance System have not been successful. Police has thus had to work out the project anew and a fresh tender exercise will be launched shortly.

Madam Speaker, in regard to part (b)(i)(B) of the Private Notice Question, I am informed by the Commissioner of Police that the enquiry into the case of drug seizure involving Mr Hurreechurn is ongoing at the level of ADSU. At this stage, no link has been established between this case and any gaming house in Rivière du Rempart or any other part of the island.

I wish to point out that according to information obtained from the Gambling Regulatory Authority, there is no licenced gaming house in the village of Rivière du Rempart, although there are 5 coin-operated amusement outlets which have a trade licence with the District Council.

As for part (b)(ii) of the Private Notice Question relating to the case of the recent seizure of drugs at Sainte Rose in Reunion Island, I am informed by the Commissioner of Police that based on available information, ADSU has started collecting intelligence on the persons arrested in Reunion Island with a view to identifying any known network connected in this case.

I am further informed that on 16 November 2016, a request has been made to the French Authorities for a team of Police Officers to proceed to Reunion Island to exchange intelligence on the case with a view to shedding light on the Madagascar, Reunion and Mauritius drug ramifications. A reply is currently awaited.

I am also informed that the Police is initiating procedures in consultation with the Attorney General's Office for mutual legal assistance in this matter.

Madam Speaker, in connection with this case, a meeting was held on Friday 18 November 2016 between the Commissioner of Police and the Director-General of ICAC with a view to enhancing cooperation between Police and ICAC in drug and other cases. Following the meeting, ICAC has also started an enquiry into alleged money laundering cases linked to drugs. So far, ICAC investigators have secured two pleasure crafts belonging to one Mr Mike Brasse and one Mr Jacquelin Seerungon. Mr Mike Brasse is one of the persons arrested in Reunion Island and is the owner of the pleasure craft "Sweet Love Mama" seized in the Reunion Island case.

Police are also taking measures to increase collaboration with other concerned agencies, namely the Mauritius Revenue Authority and the Financial Intelligence Unit.

Madam Speaker, the nation knows that in the eighties, I did not hesitate to put my life at stake to fight the drug barons. Once again, I am as determined to clean the country from the drug scourge for the benefit of our youth and future generations.

Mr Bérenger: I have been informed, Madam Speaker, that amongst the 21 Police Officers suspended, arrested or before Court, at this stage, for involvement in some or other drug related offences, one was from the VIPSU. Am I correct in saying that that Police Officer attached to VIPSU was, in fact, attached to the Prime Minister's residence? Can I know for how long he held that post and how could something like that happen?

The Prime Minister: I said in my answer that one belonged to VIPSU. It is a fact that he was posted at my residence, but I do not use the people. I do not ask for X, Y and Z to be posted there. I have no control over that. I, myself, found it very strange how this fellow was posted at VIPSU and posted at my residence. In fact, it is to assure security, but being a drug trafficker, I think he is the last person who should have been posted in VIPSU and posted at my residence.

Mr Bérenger: Can I ask the Rt. Prime Minister if he can take the trouble to check whether that gentleman was not in VIPSU under the previous regime, removed and put back to ADSU under his Government since the last general elections?

The Prime Minister: Well, I don't have this information. I will find out. I won't be surprised; it could be so.

Mr Bérenger: It seems that the Commissioner of Police doesn't inform you of anything! Two days after policeman Hureechurn was found dead in his cell, the CP later made quite a fantastic appeal to the population in *l'Express* of 31 October, and I quote –

« D'ailleurs, il lance un appel à la population pour dénoncer les pratiques liées au trafic de drogue impliquant des policiers. Cela, afin de pouvoir démanteler un possible réseau de trafiquants au sein de la police. »

It seems that the Commissioner of Police knows a lot of things and then appeals to the population! Has the Rt. hon. Prime Minister had the occasion of discussing this appeal to the public, over the head of the Police and ADSU, with the Commissioner of Police?

The Prime Minister: I am aware that the Commissioner of Police made an appeal. Well, I suppose his intention was good. There may be people knowing other Police Officers who are involved in drug trafficking and he appealed to the population to denounce such persons.

Mr Bérenger: Can I move on to the next part of my question. On 15 November, the Ag. Prime Minister, hon. X. L. Duval, did say that, in some cells, the cameras are not functioning. Supposedly, the file has already been sent to the DPP. What kind of Police enquiry there has been? Has the Rt. Prime Minister tried to find out who took the decision to put that gentleman, whose life was clearly at risk, in a cell where there was no functioning camera, whereas in other cells there were functioning cameras?

The Prime Minister: Well, I, myself, had put the same question to the Commissioner of Police, but the answer was that this was especially made for VIP people, with higher security and equipped with bathroom, toilet and all the rest.

(Interruptions)

Madam Speaker: Hon Rutnah, no interruption!

Mr Bérenger: Can I know from the Rt. hon. Prime Minister how many arrests there have been to date in that Hureechurn case, being given that I understand there was a control delivery and, in that control delivery, two additional policemen were arrested therein? Can I know how many have been arrested?

The Prime Minister: I understand there is another one who has been arrested in connection with this case.

Mr Bérenger: Can I know whether the Rt. hon. Prime Minister has tried to find out how many times that policeman Hureechurn travelled overseas? On sick leave, *s'il vous plait!* Who authorised that? The Commissioner of Police does not know anything that he needs to know. Has the Rt. hon. Prime Minister tried to find out how many times he has travelled to Dubai, to Madagascar back and forth, and who authorised all this under sick leave?

The Prime Minister: The information is not available. I'll ask the Commissioner of Police to find out how many times he travelled.

Mr Bérenger: On this gaming house - which is not a gaming house - which is a gaming house in Rivière du Rempart, has the Rt. hon. Prime Minister tried to find out - because all that he should know, the Commissioner of Police does not - that the gentleman who runs that place, and at that place is he aware that *feu* Hureechurn used to come and go, has been sentenced for drug trafficking, bail paid by whom we know, and he is on bail for another offence of drug trafficking? He is on bail! Can we know how many times the Police have authorised him to travel overseas?

The Prime Minister: Well, if some sort of gambling and all that was taking place over there, I suppose public had access; if this Police Officer also was going there, unless he is known to the owner that he is a drug trafficker!

Mr Bérenger: It seems that the Rt. hon. Prime Minister is not interested in knowing what took place in that place and what was plotted there. There is a gang, including dead policeman Hureechurn and so on, but it seems it is not only the Commissioner of Police who doesn't want to know...

The Prime Minister: I'll ask the Commissioner of Police to find out. I am not the enquiring officer!

Mr Bérenger: Yes, but everything which the Commissioner of Police should know these days, he doesn't know!

So, I'll move to the last part of my question, that is, Reunion Island. Everybody knew over the recent past, the recent months, the recent years that the west coast had become a *passoire* for drug trafficking in the direction of Madagascar and Reunion Island. Can I ask the Rt. hon. Prime whether he has tried to find out how this was allowed to take place? And today, there must have been this catch in Reunion Island for something to start here! Has the

Rt. hon. Prime Minister tried to find out with the Commissioner of Police how this has been possible?

The Prime Minister: I don't follow very well. What has been possible? As if it has been allowed by the Commissioner of Police to become possible!

Mr Bérenger: My point is that we all know that - everybody wants to know - *la côte ouest* had become for quite a while *une véritable passoire* for drug trafficking. How was this allowed? No action was taken. No coast guard real surveillance was done. Nothing was done until these two boats or more were caught in Reunion Island. To our shame! I would have thought that the Rt. hon. Prime Minister would be interested to know how this took place over a number of years!

The Prime Minister: Well, I must confess that I was not aware that it was a *passoire*, but if it was a *passoire*, the Commissioner of Police, the Police should have known and they should have taken action. I agree to eliminate this *passoire*.

Mr Bérenger: Can I ask the Rt. hon. Prime Minister whether he is aware that the Commissioner of Police has made a statement – it is in the Press anyway – that “those who have been caught to date are *des hommes de paille*”? It seems he knows who are the big bosses, the real bosses who put in millions of rupees to organise that kind of drug trafficking. Can I know, therefore, from the Rt. hon. Prime Minister whether he has taken that up with the Commissioner of Police, as what may seem to say “those who have been caught to date - in Reunion Island, *s'il vous plaît*, never here! – are *hommes de paille*”, and how does he know who is it that are not *hommes de paille*, but the real bosses?

The Prime Minister: Yes, even if he knew, he must get evidence to act against anybody. Well, if he has not acted, I suppose he didn't have evidence.

Mr Bérenger: On the last part of my question, there has been report that ICAC is now in charge, more or less, of the enquiry and that there has been a deal between Police and ICAC, that ICAC will take the lead and so on. Is that confirmed? And also is it right - I am putting the question - because information has come through that the French Reunion Authorities are not very eager at all, for obvious reasons, to collaborate with the local Police, local ADSU? Is that the case?

The Prime Minister: I don't know whether that is correct, but if the Reunion Island Authorities don't want to collaborate, well, we can't force them. I have just been informed

that insofar as Hurreechurn is concerned, the offence committed, is not one of trafficking. He is a dealer dealing in drug, not a drug trafficker. Under the law, he does not fall!

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Madam Speaker, everybody has been shocked by the amount of drug that was seized at the airport. Would the Rt. hon. Prime Minister agree that there is a serious problem at the level of intelligence collection in Mauritius, and would he consider installing a *Police des Polices* to ensure that policemen are not drug traffickers?

The Prime Minister: Well, I will ask the Commissioner of Police to look into that.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you very much, Madam Speaker. Following the questions put by the hon. Leader of the Opposition, it seems quite clearly that there is a growing lack of confidence in the Commissioner of Police and there are strong suspicions, as explained by Mr Lassémillante in his report, that the death of Constable Hurreechurn is very suspect. In the circumstances, could the hon. Rt. Prime Minister consider doing two things -

- (1) removing the enquiry from the MCIT, so that it is not the Police who goes to enquire into possible responsibility in that death by Police Officers themselves, and giving this enquiry to an independent person such as a sitting Judge, and
- (2) whether he would also consider the possibility of asking the Commissioner of Police, whom day after day, hour after hour, minute after minute, confidence in him has totally eroded, and thereby public confidence in the Police Force?

Could he consider, urgently, demanding the Commissioner of Police to step down, if not resign, from his post?

The Prime Minister: I don't think it is reasonable to ask the Commissioner of Police to step down or to resign. Insofar as the other part of the question is concerned, I will ask the Commissioner of Police to consider it. But I must tell the hon. Member one thing, the Judges of the Supreme Court are so taken up, they are so busy that none of them want to take any other responsibilities outside.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Thank you, Madam Speaker. Now, this ex-Police Officer, Arvind Hurreechurn, died in Police custody whilst being under the custody of the Police. The Human Rights Commission is entitled on its own to enquire in cases of death in Police custody. The Deputy Chairperson has made a report and has said that the death is suspect. Can I know from the Rt. hon. Prime Minister why is it that, as from the day that he has published his report, the file has been removed from the Deputy Chairperson, and now, it is the Police themselves who are enquiring at the level of the Human Rights Commission? It is not independent persons, but the Police themselves have taken the file and they are enquiring on behalf of the Human Rights Commission and they have removed the file from the Deputy Chairperson.

The Prime Minister: Well, if the Human Rights Commission has the power to enquire, it is their duty to do it. They should have refused to send back the file to the Commissioner of Police. They are to be blamed. They have not been up to their responsibilities.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, I will come back to the NSS. We all politicians know how things are run, the question of increase in drugs in certain regions, especially the synthetic drug. Can I know from the Rt. hon. Prime Minister whether he has discussed with the Director of NSS because from what we see, the NSS has failed as far as intelligence gathering is concerned, especially with the tracking of all these *brebis galeuses, non seulement de la force policière*, but within all the regions of Mauritius? Instead of harassing politicians, the NSS should go and harass all these drug traffickers and send reports to the authorities!

(Interruptions)

The Prime Minister: The one responsible in the NSS has always told me that all the information he gets, he passes them on to the Commissioner of Police.

Madam Speaker: Hon. Osman Mahomed!

Mr Mahomed: Thank you, Madam Speaker. The Rt. hon. Prime Minister has mentioned about the Commission of Enquiry. In view of the growing number of Police Officers being involved in drug trafficking and also now young people and people from all walks of life, can consideration be given for the establishment of a specialised Court, by that I

mean a Drug Court, which has been the case in other countries and which are doing well these days?

The Prime Minister: Well, a special Court will be there to try cases. Is the Court going to enquire also and then try? I can't see the reasoning behind it!

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: In the past, there was a Unit which was specialised in the combat of drug trafficking. This Unit was call the Flying Squad and it has been proven to yield very good results. Therefore, can I appeal to Government, to the Rt. hon. Prime Minister whether this Unit may be reinstated in order to combat this crime?

The Prime Minister: Since when the Unit does not exist?

(Interruptions)

As if it has flown away!

(Interruptions)

Since I am Prime Minister from 2015, I have not heard of it!

(Interruptions)

But, I will pass on the information to the Commissioner of Police, asking to see why this was done away with and whether it should not be re-established.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: In line with what has been asked before – my question is related to the death of the Police Constable in the cell. In view of the fact that the victim is a Police Officer, there are two Police Officers who have been denounced and implicated by the victim himself. According to the report of Mr Lassémillante, 30 minutes before the death was discovered, a Police Inspector had visited the cell. In view of all these circumstances, cannot the DPP as can be done according to our law - the District Intermediate Criminal Jurisdiction - enquire into such a case of violent or suspicious death? The DPP may order the District Magistrate of the area, like in the case of Mr Iqbal Toofany to take over the enquiry. The District Magistrate of Bambous was requested by the DPP to enquire into the case. Cannot the Attorney General use his good offices to ask the DPP to enquire into that matter?

The Prime Minister: Yes, this is done normally and finally it will be done because this is what we call a Judicial Enquiry.

Mr Ganoo: To ask that a full report is sent to him!

Madam Speaker: Hon. Ganoo, last question for the hon. Leader of the Opposition!

Mr Bérenger: I don't think the Rt. hon. Prime Minister will agree with me, but it seems clear to all of us that there has been a very bad failure of intelligence gathering and using intelligence in the cases concerning Mauritius, for Arvind Hurreechurn case, in the Reunion case. It is clear that there has been failure in intelligence. Secondly, I don't know if the Rt. hon. Prime Minister will agree with me, there must be a high degree *de complicité* in the Police, a high degree for what took place at Moka Detention Centre. Also in the case of Rivière du Rempart issue, there must be *complicité* at a high level in the Police. So, can I appeal to the Rt. hon. Prime Minister, what we need now is action, both in terms of intelligence gathering and in terms of *complicité* in the Police? So, can I know from the Rt. hon. Prime Minister what action is going to be taken apart from referring everything to the Commissioner of Police who does not know anything and he appeals to the public?

The Prime Minister: Well, there is a Commission of Enquiry going on. It will make recommendations and its recommendations will be implemented.

Madam Speaker: Time is over! Hon. Bhagwan!

POLICE OFFICERS - DRUG OFFENCES - ARREST

(No. B/951) **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 drug related offences, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of Police Officers who have been arrested in connection therewith for each of the years 2014 to 2016, indicating the number thereof who have been –

- (a) tried, and
- (b) convicted.

(Vide reply to PNQ)

GAMBLING REGULATORY AUTHORITY – MANAGEMENT SUPPORT OFFICER – VACANCIES

(No. B/952) **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 Gambling Regulatory Authority, he will, for the benefit of the House, obtain therefrom, information as to –

- (a) if Mr D. B., Senior Adviser at his Office, is the Chairperson of the Recruitment Committee thereof and, if so, since when, and
- (b) the number of vacant posts of Management Support Officers existing thereat, indicating if same are being filled and, if so, indicate –
 - (i) the procedure followed for the selection exercise and who conducted same, and
 - (ii) if a short listing thereof was made and, if so, by whom.

The Prime Minister: Madam Speaker, there is no Recruitment Committee at the Gambling Regulatory Authority and, therefore, the question as to who is the Chairperson does not arise. For the benefit of the House, it stands to reason that Mr D. B., Senior Adviser at my Office, cannot be the Chairperson of a Committee that does not exist.

I am now answering part (b) of the question. There are 11 vacancies in the grade of Management Support Officer at the Gambling Regulatory Authority.

As regards part (b) (i) of the question, I am advised that the procedures have been initiated for the filling of these vacancies, as follows –

- (i) The notice of vacancy was published in the newspapers, on alternate days, with effect from 18 March 2016 till 27 March 2016. In addition, it was displayed on the website of the Gambling Regulatory Authority and aired on the MBC in the '*Magazine de l'Emploi et des Métiers*' by the Ministry of Labour, Industrial Relations, Employment and Training. The closing date for the submission of application was 30 March 2016.
- (ii) 2253 applications were received at the closing date. They were processed for the purpose of assessing the eligibility of the applicants for post by a team of officers under the supervision of the Chief Executive of the Authority.
- (iii) This exercise revealed that there were only 1421 qualified applicants, that is, who possess the qualifications, as laid down in the advertisement and the Scheme of Service.

- (iv) Out of these 1421 qualified applicants, one hundred and ten candidates who had the best qualifications were called for an interview.
- (v) The interview exercise was carried on 03 and 06 August 2016 by a panel appointed by the Board of the Gambling Regulatory Authority, which was chaired by Mr Reshad Mollie, Deputy Permanent Secretary and who is the Chairperson of the Human Resources Committee.

As regards part (b) (ii) of the question, 30 candidates, who have scored the highest marks in the interview exercise, have been shortlisted. The final decision with regard to the appointment of the Management Support Officers rests with the Board of the Gambling Regulatory Authority.

I wish to reassure the House and the hon. Member that the whole selection process has been carried out in all transparency and fairness.

Mr Bhagwan: Can I know from the Rt. hon. Prime Minister whether, in no way at all, Mr D. B. has been involved in any discussions at the level of GRA with regard to the selection process with the members of the panel set up and whether a list has not been asked for political clearance?

The Prime Minister: I am not aware of anything of that sort.

Mr Bhagwan: Can I ask the Rt. hon. Prime Minister whether he would enquire if Mr D. B. has been involved in such, I would say, action and inform the House accordingly?

The Prime Minister: Well, I am not aware of any such...

(Interruptions)

Well, even if he had done it, does the hon. Member think...

(Interruptions)

...he will come and report to me?

Madam Speaker: Hon. Bhagwan, no crosstalking, please!

The Prime Minister: And from all the questions that are being put in the House today, as if I must leave my post of Prime Minister and be an enquiring officer in all matters!

Madam Speaker: Hon. Bhagwan!

(Interruptions)

Mr Bhagwan: One last...

(Interruptions)

Pas fer tapaz! Zot mem plaignier dehor!

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Mr Bhagwan: *Zot mem donne mwa question pou poser! Zot mem plaignier dehor!*

(Interruptions)

Madam Speaker: Order! Order!

(Interruptions)

Hon. Bhagwan! Order, please!

(Interruptions)

Hon. Bhagwan, ask your question!

(Interruptions)

Order!

Mr Bhagwan: Madam Speaker...

(Interruptions)

Madam Speaker: Order, I said!

Mr Bhagwan: Madam Speaker, what we are saying these days - many, many things are not brought to the attention of the Rt. hon. Prime Minister. Is the Rt. hon. Prime Minister aware that his name is regularly used by the adviser at the Board level, at the level of discussion with management, not only for selection process, but for other matters with regard to the GRA? Regularly the name of the Prime Minister is used by the Senior Adviser.

The Prime Minister: Well, I am not aware of that, but for me to act, I must get evidence.

(Interruptions)

Well, nobody has so far come to me and complained about these things.

Madam Speaker: Next question, hon. Bhagwan!

(Interruptions)

Mr Bhagwan: *Ki to pe dir mwa? To mem pe plaignier dehor, bonhomme!*

Madam Speaker: Hon. Jhugroo!

**INFORMATION COMMUNICATION TECHNOLOGIES AUTHORITY –
RECRUITMENT**

(No. B/953) 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 Information Communication Technologies Authority, he will, for the benefit of the House, obtain therefrom, information as to the number of vacancies thereat filled since January 2015 to date, indicating the –

- (a) names, addresses and qualifications of the recruits;
- (b) grades thereof and salaries attached thereto, and
- (c) procedures followed for the recruitment exercise.

The Prime Minister: Madam Speaker, I am informed by the Information and Communication Technologies (ICT) Authority that since January 2015 to date, it has filled in five vacancies, out of which three were in respect of vacant posts and two were for promotional posts.

As regards parts (a), (b) and (c) of the question, the information is being tabled.

Mr Bhagwan: Can I know from the Rt. hon. Prime Minister whether he is acting following, I would say, the laying off of the Director of the ICTA, that is, the ICTA is actually without any Director General or General Manager?

The Prime Minister: I am not aware.

Mr Bhagwan: Can I know from the Rt. hon. Prime Minister whether he is aware that the Chairperson of the ICTA is running that organisation as if it is his own property and there again, the name of the Prime Minister is being used? He is not acting as a part-time Chairman, but as a full-time Chairman, a sort of PDG.

The Prime Minister: This, I have been made aware of and steps are being taken to get rid of him from there.

Mr Uteem: Has the Rt. hon. Prime Minister enquired as to the reason why the Chief Executive Officer had been sacked after less than one year in office?

(Interruptions)

CEO of ICTA! Hon. Bhagwan just mentioned that there is no...

Madam Speaker: Hon. Uteem, the question is on recruitment. So, I will not allow this question! Next question, hon. Osman Mahomed!

Mr Mahomed: Could the Rt. hon. Prime Minister enlighten the House about that list of five persons who have been appointed recently, whether in there falls the Secretary of the Board, and, if that is the case, to provide his name and his qualifications because I believe the list is still in front of him?

The Prime Minister: Well, I will get it tabled.

Madam Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: Has the attention of the Rt. hon. Prime Minister been drawn to the fact that the Chairperson, who is acting these days as if he is a CEO, has travelled overseas for the purchase of very sophisticated equipment to be used for telephone tapping?

Madam Speaker: No, hon. Bhagwan, again this question is not related to the main question.

(Interruptions)

Please come with a substantive question!

(Interruptions)

Next question, hon. Sesungkur!

AIR ACCESS RIGHTS - GRANT

(No. B/954) 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 air access rights and/or rights to operate to and from Mauritius, he will state the airline companies which have been granted same, indicating –

- (a) the number of airline companies whose application therefor have not been successful, and
- (b) if he is in presence of any adverse report on Air Asia and, if so, indicate the actions taken in relation thereto, as at to date.

The Prime Minister: Madam Speaker, in regard to the first part of the question, the information requested by the hon. Member is being tabled. I wish to point out that air access rights are not given to airline companies, but to Contracting States. However, in certain cases permission outside the framework of a bilateral air services agreement is given on a case by case basis to airlines to operate temporarily on charter or special flight basis.

As regards part (a) of the question, no application has been unsuccessful.

Concerning part (b) of the question, my Office is not in presence of any adverse report on Air Asia X. I am also informed by the Director of Civil Aviation that his Department has also not received any adverse report on the airline. However, following the publication of certain articles in the local and international Press regarding alleged incidents involving Air Asia X, my Office had requested the Director of Civil Aviation to carry out an investigation into the matter.

The investigation which has been completed has not revealed any operational or technical shortcomings that could adversely impact on the safety of the flight of Air Asia X or that could justify any recommendation for remedial action.

Madam Speaker: Next question, hon. Sesungkur!

POLICE SERVICE OFFICERS – TRAINING

(No. B/955) 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 the Police Service Officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the average number of hours of training they undergo annually;
- (b) how the continuous professional development thereof is carried out, indicating the expected date of coming into operation of the Police Academy, and

- (c) if having regard to the nature of the service thereof, consideration will be given for a different scheme of service to be worked out therefor.

The Prime Minister: Madam Speaker, in regard to parts (a) and (b) of the question, I am informed by the Commissioner of Police that on joining the Force, new recruits undergo a foundation course of two years' duration during which they are exposed to Police duties, law and procedures, map reading, navigation, public order policing and weapon handling, amongst others. The programme also includes intensive physical training.

At the end of the foundation course, they have to complete two top-up modules of 120 hours at the University of Mauritius, leading to the award of a "Certificate in Police Duties".

The new recruits benefit from a total amount of 5,330 hours of training, in all.

Madam Speaker, once these officers are posted to different units, they undergo on the job training. They also benefit from refresher courses workshops and seminars by the Police Training School with a view to keeping abreast of new legislations, procedures and other administrative and operational matters.

Many Police Officers regularly attend overseas courses, workshops/seminars and symposiums organised by friendly countries and international organisations. Participation in overseas training contributes to the self-development of the officers and enhances capacity building. In turn, these officers share their knowledge and experience with their counterparts.

As regards the Police Academy the project will be carried out in a phased manner over a period of four years. Land of an extent of 23 acres has already been identified at Côte d'Or and procedures for its acquisition have already been initiated. An amount of Rs3 m. has been provided in the 2016/2017 Budget for consultancy services for the design of the project.

Madam Speaker, I am informed by the Commissioner of Police that a committee has been set up at the level of the Police under the Chairmanship of a Deputy Commissioner of Police, to look into the whole issue of scheme of service in the Force. This committee will review the existing scheme of service for each rank and come up with recommendations in respect of amendments required to modernise the Force.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Madam Speaker, the Rt. hon. Prime Minister mentioned the training that is given to the Police officers. May I know from the Rt. hon. Prime Minister whether

included in that training is any psychological training especially in view of the high number of suicides that we have now amongst Police Officers?

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

Mr Baloomoody: Is the Rt. hon. Prime Minister aware that once the Police Officers are posted, they have been appointed as Police Officers after they have been qualified, in the scheme of duties there is no time for training? They are posted in a shift and that's it. If they want to train they do it in their own time, but in their scheme of duties there is no training. So, can I ask the Rt. hon. Prime Minister whether he is prepared to look into that because some officers do need training and they are doing it at their own leisure and their own hours?

The Prime Minister: This is being looked into by the Commissioner of Police because he wants to modernise the Force, but I don't know so far whether there is anything in the scheme of service. But I gave a long list of what is being done despite the fact that it should not be included in the scheme of service.

Madam Speaker: Next question, hon. Baloomoody!

PUBLIC ACCOUNTS COMMITTEE – STANDING ORDERS - AMENDMENT

(No. B/956) 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 Public Accounts Committee, he will state if he proposes to come up with a motion before the House with a view to empowering the Standing Orders Committee to look into the Standing Orders and Rules of the National Assembly to make recommendations for the said Committee to become more effective when it comes to its oversight role for public expenditure and, if so, when.

The Prime Minister: Madam Speaker, as the House is aware, the Public Accounts Committee has, in its final Report for year 2015, made certain recommendations, including a broadening of its mandate, in order to enhance its effectiveness.

The recommendations made by the Public Accounts Committee have been examined by a Committee of Officials under the chairmanship of the former Secretary to Cabinet and Head of the Civil Service and comprising the Solicitor-General and representatives of different Ministries concerned. The recommendation of the Public Accounts Committee pertaining to the widening of its mandate will require an amendment to the Standing Orders and Rules of the National Assembly.

Madam Speaker, I propose to have some further consultations before submitting the recommendations of the Public Accounts Committee to Cabinet. I shall then come up with the Motion for amendments considered appropriate and desirable to the Standing Orders and Rules of the National Assembly.

Mr Baloomoody: Can I ask the Rt. hon. Prime Minister if he can look into this matter quite urgently because we are falling behind with regard to the international associations where we are members, be it in the SADC Association of PACs or the Commonwealth Association of PACs? If we can look into the matter so that we can be in line with the organisations where we are members?

The Prime Minister: Well, things are being done and when we will come up with the ultimate decision that is going to be put into practice, all this will be considered.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: If the Standing Orders are amended in accordance with what the Rt. hon. Prime Minister has just suggested in answering this question, this would be the most innovative reform in our Parliament for years. Can I ask the Rt. hon. Prime Minister to see to it that when the proposals are circulated, the question on the PAC sitting in the open and not in camera as obtains in the UK or in other countries be also taken on board for the sake of transparency and good governance?

The Prime Minister: Well, this, I have been told, is not acceptable. We can't do that.

Mr Ameer Meea: Madam Speaker, this Standing Order, if I am not wrong, has not been changed since Independence. And since then, many Chairmen of the Public Accounts Committees, including the actual Deputy Prime Minister, when he was Chairman of the Public Accounts Committee, recommended that changes be made to our Standing Orders so that the PAC be more empowered? So, therefore, in line of Government creating the Ministry of Good Governance, I presume that the Public Sector would not achieve ...

Madam Speaker: Hon. Member, please ask your question!

Mr Ameer Meea: ... good governance if we do not empower the Public Accounts Committee. May I, therefore, ask the Rt. hon. Prime Minister, if he can treat this as urgent?

Madam Speaker: Hon. Member, I wish to draw your kind attention that when you are asking your question, you mean in relation to the Public Accounts Committee because

you said that the Standing Orders have not been amended - the Standing Orders have been amended with regard to other things - but in relation to the Public Accounts Committee.

The Prime Minister: I have already answered that.

LAND DRAINAGE AUTHORITY BILL - INTRODUCTION

(No. B/957) 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 proposed introduction of the Land Drainage Authority Bill, he will state where matters stand.

The Prime Minister: Madam Speaker, I am informed that the National Development Unit had to undertake extensive consultation with all relevant stakeholders with a view to finalising the main provisions of the draft Land Drainage Authority Bill.

Following Cabinet's approval on 11 November 2016, the National Development Unit has already requested the Attorney General's Office to finalise the draft Land Drainage Authority Bill for its eventual introduction in Parliament during the first session of 2017.

POLITICAL PARTIES - FINANCING – MINISTERIAL COMMITTEE

(No. B/958) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the financing of political parties, he will state when new legislation in relation thereto will be introduced in the House.

The Prime Minister: Madam Speaker, with your permission, I shall reply to Parliamentary Questions B/958 and B/959 together as they relate to the same matter.

Madam Speaker, the House will recall that in my reply to Parliamentary Question B/670 of 05 July 2016, I informed that the Ministerial Committee on Electoral Reforms, which has been set up by the Government has already submitted its recommendations on the financing of political parties and that these recommendations were being examined.

Madam Speaker, as indicated by the Ag. Prime Minister in his reply to Parliamentary Question B/883 last week, the Attorney General's Office has already been requested to prepare a draft Bill on the funding of political parties, based broadly on the recommendations of the Ministerial Committee.

I am given to understand that, at the drafting stage, some issues have cropped up which will have to be thrashed out after consultations with the Electoral Supervisory Commission, the Office of the Electoral Commissioner and other stakeholders. The Bill will be finalised once these issues have been cleared.

Madam Speaker, I again wish to reassure the House that Government will stand by its commitment and introduce the Bill into the National Assembly as soon as it is ready, after appropriate consultations.

Mr Ramano: Madame la présidente, lors d'une *PQ* de ma part en date du 05 juillet 2016, l'honorable Premier ministre avait répondu que des propositions du public et aussi du monde politique seront prises en considération vu le tollé qui a été soulevé avec la réforme à Rodrigues. Est-ce qu'une considération sera donnée pour de plus amples consultations avec les membres du public avant que la nouvelle loi soit introduite au niveau du parlement.

The Prime Minister: Concerning Rodrigues?

Madam Speaker: No, financing of political parties.

The Prime Minister: That is here, in Rodrigues and everywhere.

Madam Speaker: Consultation with the public, this is what has been asked.

The Prime Minister: Well, it is being worked out. The needful will be done.

Mrs Selvon: Would the Rt. hon. Prime Minister inform the House if State financing would be considered out and recommended to help to fight corruption, drug money and politician secured big *coffre-fort*?

Madam Speaker: Hon. Member, it is not in relation with financing of political parties.

The Prime Minister: This has been taken care of because the whole purpose is to fight against all these.

Mr Ganoo: We all had a copy of the proposals of the Ministerial Committee which had been circulated in this House and the Prime Minister has talked about consultation. But before the Bill is circulated and introduced to the House, would the hon. Deputy Prime Minister who had chaired the Ministerial Committee and the other Members of the Committee, be willing to meet other political parties and exchanged views on the proposals made by the Ministerial Committee?

The Prime Minister: If it is necessary, it will be done.

POLITICAL PARTIES - FINANCING - LEGISLATION

(No. B/959) **Mrs D. Selvon (Second 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 financing of political parties, he will state if legislation will be introduced in the House with tough provisions for the regulation thereof and, if so, when.

(Vide reply to PQ No. B/958)

CASINOS, GAMING & BETTING HOUSES & BOOKMAKING BUSINESSES – LICENCES

(No. B/960) **Mrs D. Selvon (Second 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 operation of casinos, gaming and betting houses and bookmaking businesses, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, a list of the organisations, companies and/or individuals who have, since 2014 to date –

- (a) been issued with licences therefor, including the number thereof issued per business;
- (b) been refused such licenses, and
- (c) have had their licences revoked, indicating the reasons therefor in each case.

The Prime Minister: Madam Speaker, I refer the hon. Member to the replies I made to Parliamentary Question B/399 and Parliamentary Question B/405 on 17 May 2016 and I wish to inform the House that no new licences have been granted since.

As regards part (b) and (c) of the question, the information is being tabled.

Madam Speaker: Hon. Member, do you have any supplementary questions on this one?

Mrs Selvon: Yes.

Madam Speaker: Please!

Mrs Selvon: Could the Rt. hon. Prime Minister inform the House whether Government is in negotiations with Chinese investors who want to buy the casinos?

The Prime Minister: I don't have this information.

Madam Speaker: Hon. Member, you asked whether there has been any negotiation with the Chinese...

Mrs Selvon: Whether there has been any negotiation with the Chinese to buy casinos.

Madam Speaker: Well, I think, this has nothing to do with the question. You should ask a supplementary question based on the main question which you asked. Next question, hon. Lesjongard!

ROAD ACCIDENTS (FATAL) – JANUARY 2016-17 NOVEMBER 2016

(No. B/961) Mr G. Lesjongard (Second 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 fatal road accidents, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof having occurred since January 2016 to date, indicating the measures being taken to reduce same.

The Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that from January to 17 November 2016, 116 fatal road accidents have been reported to Police, in which 126 persons have lost their lives.

I am also informed that with a view to reducing road accidents a number of measures have been put in place by the Police, as follows -

- (a) vehicle check points to enable verification of drivers and sensitising them at the same time;
- (b) intelligence led operations to target irresponsible or reckless drivers on public roads;
- (c) speed checks using hand-held speed detectors along prone accident areas to deter speeding;
- (d) regular alcoltest operations along the motorways, coastal roads and in the vicinity of discotheques;

- (e) partnering with various stakeholders for the sensitisation of various groups, such as schoolchildren, elderly person, drivers of heavy motor vehicles and the population at large, and
- (f) reviewing cumulative offences aiming at improving drivers' behaviour and reducing fatalities.

I am further informed the following new measures have also been introduced by the Police –

- (a) Hot Spot Policing whereby a Police vehicle with beacon lamps (Gyrophares) are put in place at strategic locations round the clock to discourage speeding;
- (b) use of non-police pattern vehicles to target road safety related offences, and
- (c) as part of the recommendations of the Road Safety Commission functioning under the aegis of my Office, a Traffic Enforcement Squad has been launched on Saturday last with a view to tracking unruly drivers on our roads and those who are not complying with the road traffic regulations. It is staffed with 40 fully trained Police riders.

Madam Speaker, I have also been informed by the Ministry of Public Infrastructure and Land Transport that the Road Traffic (Amendment No. 2) Bill will be introduced today at the National Assembly. I understand it will be debated today.

Mr Lesjongard: Madam Speaker, the number of fatal accidents is alarming, and like the Rt. hon. Prime Minister said, we shall be debating later a piece of legislation with regard to curbing road accidents. Since we know that most of those accidents take place late at night or early in the morning, may I ask the Rt. hon. Prime Minister whether the Commissioner of Police could make arrangement, especially in those accident prone areas, for Police Officers or Traffic Officers to be present at that late hour, so that they can monitor the situation?

The Prime Minister: Well, I will ask the Commissioner of Police to look into that.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker. I have heard the Rt. hon. Prime Minister talk about all the measures that are being brought forward, but we have not at all heard him address the issue of *formation*; how people are trained, how people are taught, those who take the tests for passing of driving licences, since Mauritius is known as one of the jurisdictions where it is easiest in the world to get a licence. Could the Rt. hon. Prime

Minister consider ensuring that the Commissioner of Police is no longer responsible for that department as well, and that it is given to people with experience and expertise in order to ensure that people are properly trained, taught, and that the licence they get is worth being called a driving licence, and secondly, whether he would consider the possibility of even people who have had driving licences for 20 years, obligatorily having to go through a refresher course, failing which their licences are to be removed? That would, at least, tackle those who have obtained licences wrongly, and we can find out whether they are good as drivers. This is in the name of all those people who have now died on our roads.

The Prime Minister: I must point out that, in all cases of fatal accidents, it is not always the drivers who are responsible. In many cases, the pedestrians are responsible. They don't take care in crossing roads and, in the number I have given, a big number are motorcyclists. They are responsible, in many cases, for accidents. So, all what the hon. Member is suggesting is as if all people who have got licences, those licences are worth nothing. But this is not true!

Madam Speaker: Time is over! Hon. Members, the Table has been advised that PQ No. B/969 with regard to Mauritian tea will now be replied by the hon. Minister of Agro-Industry and Food Security. PQ No. B/1005, with regard to the use of pesticides, herbicides and fertilizers in the growing of vegetables in Mauritius, will now be replied by the hon. Minister of Health and Quality of Life. The Table has been further advised that the following PQs have been withdrawn: B/975, B/976, B/978 and B/984.

Hon. Members, the hon. Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management has made a request to the effect that two PQs be replied out of turn, namely B/997 and B/1001, as he will have to attend, I understand, to the Disaster Risk Reduction African Meeting, where he has to make a keynote address. I have acceded to his request. Hon. Minister of Civil Service and Administration Reforms, Minister of Environment, Sustainable Development and Disaster and Beach Management, you will have the opportunity to reply to these questions.

MOTORWAYS – ROUNDABOUTS – MAINTENANCE

(No. B/997) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the

roundabouts found on the M1, M2 and M3 Motorways, he will give a list thereof which are presently being embellished and maintained by private companies, indicating in each case the

- (a) private companies concerned therewith, and
- (b) period thereof.

Mr Wong Yen Cheong: Madam Speaker, I am informed that eleven roundabouts on M1 Motorway and twelve on M2 Motorway are being maintained and embellished by private companies. I am tabling the list of these companies and the period of sponsorship.

As regards the maintenance and embellishment of Motorway M3, no private companies are involved therein.

Madam Speaker: Hon. Jhugroo, no supplementary! Next question, hon. Mrs Selvon!

ALBION - OIL REFINERY PROJECT

(No. B/1001) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the Oil Refinery Project, he will state if consideration will be given for the installation thereof off the coast in Albion at sea to respond to the fears expressed in the public and to guarantee complete and durable public and environmental safety with adequate safeguards in respect of the adjoining regions, including Pointe-aux-Sables.

Mr Wong Yen Cheong: Madam Speaker, at the very outset, let me reassure the House that any Oil Refinery Project will definitely require an Environmental Impact Assessment licence under the Environment Protection Act. It is to be noted that, as at date, no application for an EIA licence with regard to an Oil Refinery Project in Albion has been received at my Ministry.

An EIA licence, Madam Speaker, has in itself the necessary safeguards and measures not only to ensure that the proposed project is realised in a safe and secure manner, but also takes into consideration the welfare of the adjoining regions.

Moreover, the EIA process requires consultation with the public of the region and takes into account comments and observations from all stakeholders concerned.

Mr Bérenger: Has the company concerned in this floating Refinery Project already been granted land or at least a letter of reservation for land; whether they have already put in a request for an EIA?

Mr Wong Yen Cheong: Madam Speaker, I just replied to that. As at date, no application has been made at my Ministry.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Thank you, Madam Speaker. Can I know from the hon. Minister whether he or his Ministry has received any representation some weeks back from the inhabitants of Albion village and the surrounding regions, asking for an appointment, expressing their fears concerning this project following the announcement made in the Budget? Has he received any communication from the inhabitants of Albion and is he ready to meet them and discuss what they have stated in their letter?

Mr Wong Yen Cheong: Madam Speaker, in fact, I have received some comments and I have reassured the inhabitants to the same reply that I just made this part.

Mr Mohamed: Could the hon. Minister consider the possibility of asking, when the time will come, for international technical expertise as regards any application that is made for any such project since, clearly, all the inhabitants of the locality and Mauritius, the inhabitants of this island, are very much angry, worried and up in arms against such a project, destroying not only the locality, but the whole tourist industry and the lagoons and even the vegetation around Mauritius, and not to base oneself only on the experts who have no experience whatsoever in Mauritius as regards oil refinery?

Mr Wong Yen Cheong: Madam Speaker, the Rt. hon. Prime Minister had a meeting with me and he clearly made me understand that we will need expertise whenever it is needed in such a project, and if we don't have it in our Ministry, we will have international consultant who will come and help us on this project.

Mr Bérenger: Can I put a second question? The hon. Minister has told that there is no request for an EIA from the company concerned with this floating refinery project, but in the same region, according to Press reports, there are other projects, including storage of petroleum products with the jetty to be built and so on. Has there been an EIA request from any other company for that region concerning such projects?

Mr Wong Yen Cheong: Madam Speaker, I have not received any request.

Madam Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: Can I make a request to the Government, to the Minister, whether if there is any application made at the Ministry, Government would consider, instead of a promoter commissioning an EIA, Government should commission an EIA itself and ask the promoter to finance this? There have been cases in the past where Government has commissioned an EIA to see whether the project is viable, whether it is good for the environment.

Mr Wong Yen Cheong: We can look into the matter in the same way.

Madam Speaker: Next question, hon. Rughoobur!

NTC – PERFORMANCE & ACCOUNTABILITY

(No. B/964) 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 National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) gross profit margin and overheads thereof over the past three years, and
- (b) measures being taken to improve the performance and accountability thereof.

Mr Bodha: Madam Speaker, I thank the hon. Member for the question. I have been informed by the National Transport Corporation that in 2015, the new management of the NTC had inherited an organisation which was not in a sound financial situation. As regard to part (a) of the question, the last audited accounts was up to 31 December 2012. The 2013 accounts were finalised, in fact, in 2015, and this was due to the absence of a full-fledged financial unit and problems with the Accounting Software. As regards the 2014 and 2015 accounts, these are expected to be completed and finalised within this financial period.

In 2013, the NTC had a revenue of Rs1.19 billion with an Operating Margin of Rs162.8 m. together with Overheads of Rs203.5 m. as compared to a revenue of Rs1.26 billion in 2014 with Operating Margin of Rs149 m. together with an overhead of Rs205 m. Moreover, the revenue rose – from the last figure - to Rs1.36 billion in 2015. Over the past 3 years, the revenue had increased by 14%.

I have been informed that the NTC had to absorb massive increase in expenses resulting mainly from salary increases as follows -

- There was a Collective Agreement entered between the NTC and the Trade Unions in 2013 having an impact of 19% increase in salary.
- There was an NRB salary increase as from August 2013 of 15%; in August 2014 of 2%, and in August 2015 of 2%.
- There was a PRB increase.
- Overall salaries increased from Rs410 m. in 2013 to Rs683 m. in 2015, that is, 66.6%). The financial status has further been exacerbated by annual increments and the Cost of Living Allowances and the illegal operators along the routes served by the NTC, as well as duty curtailment. Additionally, multiple bus breakdowns were often observed during that period.

With regard to part (b) of the question, I am informed that the National Transport Corporation has taken a series of measures to redress the situation -

- i. Despite the difficult financial situation, the NTC has purchased 100 semi-low floor buses so as to increase the revenue and quality of service;
- ii. Rationalisation of bus services with provision of short bus services on routes with high demand to eliminate unproductive kilometres, and increase frequency of buses along profitable routes. In fact, today, we have moved from 33 % of profitable routes to 50%.
- iii. Reducing pilferage by reinforcing line checking through internal recruitment of Traffic Officers.
- iv. Recruitment of additional drivers and conductors to operate buses on new lines. This is an exercise being carried out presently.

Additionally, the following measures are being taken to decrease cost, namely -

- i. Reduction of overtime;
- ii. Monitoring of outsourced bus servicing;
- iii. Reducing of the stockholding of spare parts;
- iv. Fleet allotment to workshop supervisor to improve accountability;
- v. Scrapping of old buses – in fact, 50 have just been scrapped, and
- vi. Training of drivers on modern methods of driving, to save on fuel cost.

Madam Speaker, I have been informed by the NTC that in line with the announcement made in the 2016-2017 Budget Speech, regarding the fundamental reforms of public sector institutions, a Turnaround Plan has been proposed following a request made by the Ministry of Finance and Economic Development under the Public Sector Reforms Programme. The plan is on well-defined strategies which would help at improving the performance and accountability of the Corporation. They are namely, Fare structure and revision, Route Re-engineering, Combatting Illegal operators, Capacity Building, Manpower Planning, Fleet Replacement and Maintenance and Risk Management, amongst others. Madam Speaker, the Board will soon devise a plan of action to be implemented very soon.

In addition, a Study on the Re-engineering of the Public Transport Industry in Mauritius is underway by the consultants, PriceWater House Cooper, India, wherein the NTC service routes, statistics, passenger flows and revenue generating mechanism would be looked into. The final report is expected in February 2017. Thereafter, the recommendations would be implemented as appropriate.

In addition, a study on the reengineering of the public transport industry in Mauritius is underway by the consultants PricewaterhouseCoopers of India wherein the NTC Service Routes Statistics, passenger flows and revenue generation mechanism would be looked into. The final report is expected in February 2017, thereafter the recommendations would be implemented as appropriate.

Mr Rughoobur: I thank the hon. Minister for his reply. From the figures provided, it appears that the NTC is operating at a loss. May I know from the hon. Minister if that loss is exclusive or inclusive of the finance charges? Are the finance charges included?

Mr Bodha: From what I have, the figures for 2015 should show a surplus, but as the figures have not been finally audited, I have not given them here.

Dr. Sorefan: May we know from the hon. Minister what is the financial debt of this Corporation to date, and if we can have a breakdown list of the debt to various institutions?

Mr Bodha: I don't have the exact figure, Madam Speaker, but I can say that the debt level is sustainable. In fact, the 100 semi-low floor buses by the NTC have been bought by funds from the NTC. We did not take any money from outside the debt structure that we have today.

(Interruptions)

I will certainly do that, Madam.

Mr Rughoobur: I just wanted to know from the hon. Minister, regarding the appointment of the CEO of the National Transport Corporation, whether presently the fact that there is an Ag. CEO, there is not a sort of conflict of interest with the person who is acting as Ag. CEO?

Mr Bodha: In fact, it has been very sad that we have had a series of Managers. The last Officer-in-Charge, Mrs Sooben, who was an Ag. Permanent Secretary, has just left the Corporation because she has been promoted. She has resumed service at the Establishment. In fact, we are going to have the Deputy General Manager acting and we will look forward to have another General Manager.

Mr Uteem: The hon. Minister mentioned the financial situation at the NTC. May I know from the hon. Minister whether this financial issue is impacting on the policy of the NTC as regards the maintenance of its existing fleet and the purchase of spare parts because we still see NTC buses with a lot of smoke emission on our roads?

Mr Bodha: Well, I will into the matter, but I don't think that it is impacting. On the contrary, as I said, we are doing everything so that we have the savings on maintenance. As I said, the hundred semi-low floor buses were bought from funds from the NTC itself.

Mr Jhugroo: Does the hon. Minister agree with me that we are not having so many complaints as there have been for the past 10 years and today *c'est un plaisir de voyager* by the NTC buses...

Madam Speaker: Is that a question, hon. Jhugroo?

Mr Jhugroo: ...when compared to what happened during the past years...

Madam Speaker: Your question?

Mr Jhugroo: My question is this...

Madam Speaker: Question, no statement!

Mr Jhugroo: Would the hon. Minister inform the House, following the purchase of the 100 semi-low floor buses, how many new buses and what types of buses will be purchased by NTC?

(Interruptions)

Madam Speaker: Order! Yes!

(Interruptions)

Order! No crosstalking, please! Yes!

Mr Bodha: It is true, Madam, that the semi-low floor buses have improved the image and the quality of service which have been offered, but the solution for the years to come is to have electric buses. In fact, as I have always said in Parliament here, a semi-low floor bus costs us Rs3 m., a hybrid bus Rs6 m. and an electric bus Rs9 m. At the COP21, one of the funding that we have requested is to have some sort of subsidy to be able to buy electric buses. The next buses that we are going to buy will definitely be hybrid buses.

Madam Speaker: Last question on this issue, hon. Fowdar!

(Interruptions)

Mr Fowdar: Thank you, Madam. I wanted to ask the hon. Minister why is it so difficult to find a good CEO for the NTC. Is it because they are not well paid or is it because we don't have the skilled person to run NTC?

Madam Speaker: It is out of order!

Mr Bodha: Anyway, we will...

Madam Speaker: It is not related to the question.

(Interruptions)

Mr Bodha: I am sure that we will be able to have somebody who has the authority and the expertise to run the Corporation because the Corporation has to be the skeleton, the main body, on which the public transport system should be based and it should also be a shop window for what we can offer. Well, we are going to look for a rare bird and I can assure the hon. Member that we will have one. Thank you.

Madam Speaker: Next question, hon. Rughoobur!

UNIVERSITY OF MAURITIUS - RESEARCH PAPERS - PUBLICATION

(No. B/965) 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 the research papers, she will, for the benefit of the House, obtain from the University of Mauritius, information as to the number thereof published by the University over the past twenty-four months, including by the Academia of the University for the years 2015 and 2016 respectively, indicating the –

- (a) incentives provided therefor, and
- (b) findings that have been beneficial to the economy.

Mrs Dookun-Luchoomun: Madam Speaker, I am informed by the University of Mauritius that all publications at the University are done either by the academic staff alone as single author or in collaboration with other colleagues or with students as co-authors. Thus, the number of publications by the academia of the University is equal to the total number of publications by the University.

The University has further informed that, over the past 24 months, that is, from November 2014 to date, 401 research papers have been published. 275 were published during the period November 2014 to November 2015 and 126 from November 2015 to date.

Madam Speaker, research goes a long way towards contributing to wealth creation, transfer of technology and for environmental, social and cultural development of Mauritius.

I am further informed that incentives for research at the University of Mauritius include stipends to MPhil and PhD students, documentation, provision of lab expenses, book allowances and Internet allowances amongst others. Moreover, staff members are allowed sabbatical leaves during their tenure at the University of Mauritius. The University of Mauritius has also proposed a Research Credit Scheme, which is presently being studied at the level of the Tertiary Education Commission.

Madam Speaker, research leads to the creation of knowledge and dissemination and application of this knowledge is what brings benefit to society. Over and above the funds of the University of Mauritius and international agencies for the purpose of research, the Mauritius Research Council has funds to the tune of Rs80 m. for the conduct of research provided it is relevant to economy, industry and society at large.

In regard to part (b) of the question, I am informed that applied research conducted at the University of Mauritius in the fields of engineering, agriculture, tourism, law, medicine, slavery and indenture, computing, environmental science, marine and ocean sciences amongst others have proved useful for the public and private sectors. The University of Mauritius has recently put up a Knowledge Transfer Office, which will make results of research more accessible to industry and society at large.

As far as engineering is concerned, the Institution of Engineers Mauritius has shown an interest in promoting the practical aspects of research carried out at the University of Mauritius.

Madam Speaker: Yes, hon. Rughoobur!

Mr Rughoobur: Let me thank the hon. Minister for her reply. The hon. Minister will recall that only last year the Plan of Action defined for the University 2015-2020, as she rightly pointed out, defined the introduction of the Research Credit Scheme (RCS). May I ask the hon. Minister the reasons for which today the Tertiary Education Commission has kept in abeyance so much so that - I must table this letter - the Vice-Chancellor has written a long letter to the Tertiary Education Commission as if to convince the Tertiary Education Commission to please approve the funds?

Mrs Dookun-Luchoomun: As I have just mentioned, Madam Speaker, the University of Mauritius has come up with a Research Credit Programme which has been submitted to the Tertiary Education Commission and the new Director at the level of the Tertiary Education Commission is presently studying the project and will certainly provide funds for research as long as it is relevant.

Madam Speaker: Hon. Osman Mahomed!

Mr Mahomed: Thank you, Madam Speaker. May I ask the hon. Minister to enlighten the House as to the mechanism that is available at the level of her Ministry still in optimising resources for the benefit of the country? How do we avoid duplication of research being done at the level of the University of Mauritius and other universities and the one being conducted at the Mauritius Research Council which still falls under her Ministry, I believe?

Mrs Dookun-Luchoomun: In fact, the Tertiary Education Commission has to look at the research projects submitted, but each university operates on its own. It is true that there may be cases of duplication but, normally, the supervisor of the student carrying out the research or the researcher will have to make sure that there is no duplication and also avoid cases of *plagiat*.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: The hon. Minister would agree that this whole issue of research component is very important in the ranking of universities. May I request the hon. Minister if she can enlighten the House as to the status with regard to ranking? Because when we refer

to the report - there was a report on this whole issue of ranking of the University in 2014 - in 2012, from the 22nd position in the whole African continent, the rating fell in 2014 to 88th. May I know what is the status today?

Mrs Dookun-Luchoomun: Madam Speaker, the rating of a university does not depend on a sole factor. It depends on a range of factors and, at one point in time, there was a mention made about the amount of research carried out at the University, but the University is taking the steps required to upgrade and increase the amount of research done. Furthermore, the Mauritius Research Council has put at the disposition of researchers in Mauritius and the various universities funds for carrying out research. So, there are two things that we have to bear in mind: research for the purpose of industry; now that a link has been established between University and the industry, we hope that this will get promoted, and then also research which is run because of the interest of the researcher. So, we have to consider all that and also bear in mind that the ranking is not solely dependent on research work carried out at the University.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Can I ask the hon. Minister whether there is a set criteria used at the University for giving incentives or certain facilities for those who want to do research and, if so, will she be prepared to lay on the Table of the Assembly the criteria that one needs to benefit from these facilities?

Mrs Dookun-Luchoomun: Madam Speaker, I have just mentioned in my answer that there are stipends given, there are expenses for documentation, Internet...

(Interruptions)

Criteria for?

(Interruptions)

Students wishing to carry research are normally given the required support. There are no criteria for that. A student studying and carrying out his research or doing his PhD will obviously be going for research!

Mr Baloomoody: Is the hon. Minister saying that each and every student who wants to do a research will benefit from financial assistance from the University in his or her department?

Mrs Dookun-Luchoomun: We don't talk about financial assistance for research. We have funds for a research depending on the field of study and there is a selection obviously of research and the researchers are provided support.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister mentioned 400 papers. Is he aware of the number of papers published by the Lecturers of the Law Department? Because there is absolutely no record of any comments made by the Law Department on any law legislation passed by this House or any judgment given by the Supreme Court.

Mrs Dookun-Luchoomun: Madam Speaker, from my records here, I find that from the Faculty of Law and Management, a total of 56 papers have been published between the period of January 2013 to November 2016.

Madam Speaker: The Table has been advised that PQs B/1005 and B/1008 have been withdrawn. I suspend the sitting for one and a half hours.

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

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

CEMETERIES – MAINTENANCE

(No. B/966) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Local Government whether, in regard to the cemeteries, he will state if consideration will be given for a special budget to be allocated for the management thereof.

Dr. Husnoo: Madam Speaker, as the House may be aware, one of the functions of a local authority, according to provisions of the Local Government Act 2011, is the construction, management, maintenance and improvement of cemeteries, crematoria and cremation grounds.

In this context, appropriate provisions are made by all local authorities in their annual estimates to cover the costs related to the maintenance and management of cemeteries and cremation grounds, falling under their purview.

The question of providing a special budget for management of cemeteries, therefore, does not arise.

Mr Rughoobur: I understand that in the current budget provision has not been made for this. May I humbly request the hon. Minister to please look into the possibility, in the

forthcoming budget, to have a special budget earmarked only for this based on the difficulties we are having these days and the deplorable state in which some of our cemeteries are? I'll give as an example the one situated at Grand Gaube.

Dr. Husnoo: I have discussed it with the officers of my Ministry and they said that no special budget has been provided, but I can discuss it with them again for the next budget.

Madam Speaker: Next question, hon. Mahomed!

Mr Mahomed: Madam Speaker, there was one word missing in question B/967, but I have informed the National Assembly. That's Form III level.

FORM III NATIONAL ASSESSMENT - SCIENCE SUBJECTS – PASS RATE

(No. B/967) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the scientific subjects at National Examinations level, including Physics, Mathematics, Chemistry, English, Biology and Computer Science, she will state the pass rate thereof in 2015 and in 2016, if available.

Mrs Dookun-Luchoomun: Madam Speaker, with regard to performances of students having sat for the Form III National Assessment in 2015 in Science subjects, including Physics, Maths, Chemistry, Biology and Computer Science as well as English, the passes are as follows -

- (i) English – 77.2%;
- (ii) French – 68.5%;
- (iii) Maths – 41.5%;
- (iv) Computer Science – 73.4%;
- (v) Chemistry – 50.3%;
- (vi) Physics – 32.6%, and
- (vii) Biology – 50.3%.

As regards the performance of year 2016, I am informed that the report is being compiled at the level of the Quality Assurance and Inspection Division of my Ministry. I will be circulating the information as soon as it is available.

My Ministry, in collaboration with the Mauritius Institute of Education, has devised a number of strategies towards improving performance in the seven subjects based on the learning difficulties diagnosed during the performance analysis carried out. These strategies are contained in the document entitled: Proposed Strategies to Enhance Performance at Form III National Assessment which has been made available to schools.

The Quality Assurance in Inspection Division carried out regular visits to monitor the implementation of these strategies at the classroom level. It will also conduct a series of workshops for different subjects, including Science.

Madam Speaker, in addition, the promotion of Science subjects is being carried out through the organisation of various activities such as Science Exhibitions, Competitions, Workshops and Science Fairs amongst others.

In the context of the NYCBE reform, the National Curriculum Framework for Grades 7 and 9 is being currently reviewed by the MIE and will have more integrated approach for Science and Technology teaching.

Mr Mahomed: The figures are quite low for Physics, Maths, Chemistry and Biology. Now, in the strategy mentioned by the hon. Minister, she did not mention about the Nine-Year Schooling. May I ask the hon. Minister, how the Nine-Year Schooling, with its impending implementation in a few months' time, will address this very important issue?

Mrs Dookun-Luchoomun: Madam Speaker, the Nine-Year Continuous Basic Education Programme is a programme which extends from Grade 1 to Grade 9 and obviously we are coming up with new strategies, innovative pedagogies to ensure that students, through hands-on and practical programmes, do get more interested in the Science subjects.

Furthermore, the Rajiv Gandhi Science Centre has started a campaign to introduce Science even at pre-primary level to ensure that the awakening of interest for Science is arose at a very early age.

As far as the Nine-Year Schooling is concerned, the curriculum is being reviewed for Grades 7 to 9. It is currently being done and this with the support of educators and experts trying to make sure that the curriculum that is being implemented is supported with relevant, practical and hands-on activities.

**NINE-YEAR BASIC SCHOOLING PROGRAMME - SECONDARY SCHOOL -
ADMISSION**

(No. B/968) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Nine-Year Basic Schooling Programme, she will state if parents have expressed their apprehensions at the level of her Ministry in relation thereto, favouring the admission of their wards in Form I in confessional and private schools as opposed to public secondary schools.

Mrs Dookun-Luchoomun: Madam Speaker, the Nine-Year Continuous Basic Education Project has been subject to extensive consultations on a wide cross section of stakeholders of the education sector. As of now, my Ministry has not received specifically any such apprehensions from parents with respect to favouring admission of their children in Form I, in confessional and private schools as opposed to public secondary schools.

Madam Speaker, as hon. Members would be aware, pupils after completion of the six years of primary schooling, having taken part in the assessment of the Primary School Achievement Certificate, will normally transit to Grade 7 under a regional mode of admission.

- The pupils will be allocated a Regional Secondary School, State or Private, based on the same criteria currently applicable for admission to Form I in Regional Schools taking into consideration the following criteria –
- parental choice;
- overall grading at the Primary School Achievement Certificate, and
- proximity of residence to the secondary school.

However, given the diversity of preferences, the choice to opt for admission to a Private Secondary School whether grant aided or fee school or alternatively to a State Secondary School, rests with parents, responsible parties, and has always been there even under the current mode of admission.

Parents can thus always exercise their choice and opt to seek admission accordingly. From feedback obtained, there has been general consensus on the broad contours of the project.

Madam Speaker: Hon. Osman Mahomed!

Mr Mahomed: Thank you, Madam Speaker. Well, I ask the question against the backdrop that many of my constituents came to see me following several press articles namely '*L'UPSEE brandit la menace d'une grève générale dans tous les collèges à la rentrée 2017.*' I have listened to what those people are saying. Is the hon. Minister aware that mention is made of a MIE report of 30 September 2016, wherein the PSSA was absent and also many points that are inherent of the nine-year schooling project have not yet been finalised or there are still a lot of shortcomings? Have these issues been resolved in the meantime?

Mrs Dookun-Luchoomun: Madam Speaker, I will ask the hon. Member not to go by Press articles. In fact, no problem would arrive at the level of the Private Secondary Schools with implementation of the reform. Firstly, with the National Schools not admitting students at the level of Grade VII, students will have to be redistributed among the Regional Schools and these are the State Regional Schools as well as the Private Regional Schools. So, the question of number of students being admitted to the Regional Schools would not go down with the idea that all students will transit from Grade VI to Grade VII, the number of students moving up in the secondary sector will even be greater. So, these apprehensions are not founded. And, furthermore, I do not know of which particular meeting the hon. Member is talking about, but we have had consultations with the Federations of Managers, with the Unions and with the MIE. So, I think everything is ready, and there is no need to have apprehensions or fear of this type. All schools - whether they are confessional or State or Private fee-paying schools - are engaged in the reform and they will all have to go through the process.

Mr Baloomoody: The hon. Minister just mentioned that all schools are engaged in the process of the nine-year schooling. May I know whether the confessional schools will go up to the academies?

Mrs Dookun-Luchoomun: Madam Speaker, all schools will run classes from Grade VII to Grade XIII, that is, what we call Form I to Form VI. Now, confessional schools, private schools and public schools will all run these classes. We have asked private schools if they intend to have academies. Academies are colleges which would admit students only as from Form IV, that is, Grade 10. The confessional schools have informed us that they are engaged and they are following the process, they are following the reform, and they have not yet decided to have academies. But, then, their doors will be open to all students as they are

today, that is, they will be having 50% of the students coming from the Government list and 50% of their own admission.

Madam Speaker: Last question, hon. Osman Mahomed!

Mr Mahomed: I have no other question, but I would table the Press report I was referring to, to the hon. Minister's attention. There is a video in there, and all the details are given.

BLACK TEA - SHORTAGE

(No. B/969) 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 the Mauritian tea, he will state the countries to which same is exported, indicating if, lately, there has been reported cases of sale of "loose" local tea in the black market and, if so, indicate the measures taken, if any, in relation thereto.

The Minister of Agro-Industry and Food Security (Mr M. Seeruttun): Madam Speaker, I shall with your permission, reply to this Parliamentary Question.

According to records kept at the National Agricultural Products Regulatory Office (NAPRO), a total amount of 43,428 kg of tea was exported during the period 01 January to 08 November 2016. A small part thereof, i.e. around 1,157 kg, was exported to the following countries - United Kingdom (288 kg), France (706 kg), China (66 kg), Australia (36 kg), Comoros (55 kg) and Luxembourg (6 kg).

Bois Cheri and Corson have sold around 42,271 kg to the Mauritius Duty Free Paradise and Freeport companies for eventual export to Reunion Island, France and Germany.

Madam Speaker, the 43,428 kg of tea exported represents a small percentage of the total production of black tea, which is around 1,500 tons annually.

As regards the alleged sale of "loose" local tea on the black market, the National Agricultural Products Regulatory Office has indicated that no report to that effect has been received nor any complaint made by the public. My Ministry is also not in the presence of any report in that respect.

Madam Speaker, I would like to inform the House that the shortage of black tea, mostly in 250g and 500g packages, is due to a shortfall in production because of the long winter, coupled with heavy rainfall received at the beginning of the year. There is no shortage of tea bags however. At the end of June 2016, stocks stood at 1.5 months compared

to 3.5 months for the previous year. In order to make up for this shortage, the three tea manufacturers have been allowed, as is the practice, to import black tea for blending purposes. The quantity of black tea imported during the past three years is as follows -

2014:	20 tonnes
2015:	85 tonnes
2016:	130 tonnes (up to October 2016)

Furthermore, reduced amounts along the distribution chain, together with higher than normal purchases by consumers, have also contributed to the shortage.

Madam Speaker, the harvest season for this year has just started and I am confident that the production of green leaves will be much better than that of the previous year and the shortage problem will be soon resolved.

Moreover, as announced in the last Budget Speech, the following measures are being taken by my Ministry to revitalise the tea sector -

- (i) the setting up of a new tea nursery at La Brasserie for the production of seedlings and plantlets to be distributed free of charge to tea planters;
- (ii) free distribution of fertilisers to tea planters;
- (iii) distribution of pruning shears free of charge to tea planters;
- (iv) nearly 600 *arpents* of land in the ex-tea belt area have been identified for new tea plantations, and
- (v) reopening of the Dubreuil tea factory by a private promoter.

Mr Mahomed: Well, I have tried to find loose tea on the market, but I could not get. So, I am speaking my own experience, although the hon. Minister said something different.

(Interruptions)

Is the hon. Minister aware that there is one particular brand of tea which is called 'Kuanfu thé noir' which is being exported by tens of tonnes, and I have had the chance to call up that company...

Madam Speaker: What is your question? Ask your question!

(Interruptions)

Mr Mahomed: They are marketing baby leaves tea, which is being sold as a premium. I am going to give all the details to the hon. Minister.

Madam Speaker: You are asking which question, hon. Osman Mahomed!

Mr Mahomed: Is the hon. Minister aware that baby leaves are being plucked and sold as a premium at a time when there is a dire shortage of tea on the local market?

Mr Seeruttun: Madam Speaker, the new promoter in the tea sector has been around for a few years now and he has been trying to promote a premium tea, which is true. But, so far, he has been doing it on a trial basis and he has not really sold it on a big volume. The promoter has made his application to re-open the ex-Dubreuil tea factory. That is why, since I have taken the responsibility of the Ministry of Agro-Industry and Food Security, I carried out a study about the tea industry globally, and we found out that the tea industry is growing up at a pace of about 7% growth worldwide. There is a big opportunity there, and we feel that our tea is very much appreciated worldwide. So, this is a tea sector which we should encourage to grow, and we can bring new players in that sector and allow the industry to become even bigger.

Mr Bhagwan: In view of the experience we are having, can the hon. Minister say what action he is taking? Apart from telling us that the Dubreuil factory will be opening, can he give us also a calendar - when? What concrete action he intends to take or he is taking so that we don't have any repetition in the coming year?

Mr Seeruttun: Madam Speaker, unfortunately, with regard to climatic conditions, I have no control over that. You will agree with me that when it comes to agricultural crops, we are subject to climatic conditions, but what we have done so far is that, to increase the

land area under tea, like I said, we have earmarked 600 *arpents* of abandoned land which used to be under tea cultivation in the past - which have been left abandoned for years now. We have identified the land; we have already embarked into the process of the land preparation. So, in the near future, these lands will be under tea cultivation. Like I said, at the level of the nursery of La Brasserie, we are producing plantlets to be given to current planters, tea growers, so that they can fill in their existing fields wherever there are gaps left to be filled in those fields to improve their production. So, these are some of the steps being taken to ensure that we are not left with shortage of tea in the future.

Mr Mahomed: Coming back to Kuanfu, I believe they have passed the stage of trial - from the paper. Is the hon. Minister aware that huge quantities are actually being exported? Thirty tonnes have already been exported. So, we cannot classify it as trial basis. In this context, given that there is a current shortage and it will take time for us to come back to normal, what is the strategy of the Ministry, clearly, being given that baby leaves are being plucked and massive exportation is being held?

Mr Seeruttun: Madam Speaker, let me just correct the hon. Member with regard to the figures he just mentioned. The information that I have is that, in 2014, 40 tonnes were exported by this company to China. In 2015, it bought eight tonnes from la Chartreuse, i.e the total amount it has bought from our local suppliers. So, the amount of 30 tonnes that the hon. Member advanced is not correct. But I know that Corson as well and La Chartreuse, the other tea manufacturers, have also exported tea to China in the past.

Mr Barbier: Madam Speaker, may I know whether the hon. Minister is aware that the Chinese, when travelling back to China, do so with big carton boxes of our tea in lieu of luggage? I have witnessed it myself twice on my trips to Shenzhen last year. Is the hon. Minister is aware of this situation?

(Interruptions)

Madam Speaker: Order, please!

Mr Barbier: Now I hear that there is a Chinese investment. They are actually buying Dubreuil Tea Factory. So, what is the connection? Can we have a guarantee from the hon. Minister that the production of tea from Dubreuil will be sold on the local market or otherwise?

Mr Seeruttun: Madam Speaker, I think we should be very happy to learn that our tea is well appreciated worldwide, and there is an opportunity for export. But, like I said, we are

first ensuring that we have enough for our local market and then look for the export market. That is why we, at the level of the Ministry, have embarked into a programme to increase production locally, so that we can satisfy those two markets.

Madam Speaker: Last question, hon. Ameer Meea!

Mr Ameer Meea: In his reply, the hon. Minister stated that one of the reasons is the climatic condition. To my knowledge, it is not the first time that we are having heavy rainfall at the start of the year. Can I ask the hon. Minister where did he get this conclusion? Does he have any report from any competent authority, which had concluded this shortage due to climatic conditions?

Mr Seeruttun: The conclusion is obvious with regard to the production level; the amount of tea leaves that they have been plucked from the fields. The information that I have been given is that we had a prolonged winter period. Coupled with that, we had heavy rainfall at the beginning of the year. Those are the two main reasons that explain the fact that production has gone down this year. But I must also stress the fact that now we have a population of 1.3 million nearly. We have a panoply of tea products, be it black tea, be it *thé tisane*, *thé amincissant*, *thé vert* and also ice tea and bubble tea. We have now over a million tourists that visit our country. These are also the reasons to explain an increase in the consumption of tea. So, that is why we have decided to allow for more land to be put at the disposal of that sector to increase the production.

Madam Speaker: Next question, hon. Osman Mahomed!

VEHICLES (SECOND HAND) - IMPORTATION

(No. B/970) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Finance and Economic Development whether, in regard to the imported second hand vehicles sector, he will state if his Ministry is in presence of representations from operators thereof to the effect that they are facing difficulties due to the recent increase in the selling price of imported second hand vehicles as a result of the change in the valuation method used in respect thereof and, if so, indicate the measures that will be taken in relation thereto, if any.

The Minister of Agro-Industry and Food Security (Mr M. Seeruttun): Madam Speaker, with your permission, I am going to answer that question.

In the year 2016/2017 Budget, the Minister of Finance and Economic Development announced a series of measures relating to taxation of motor cars. These are –

- (i) lowering of the rates of excise duty on motorcars;
- (ii) suspension of the CO₂ levy/rebate scheme;
- (iii) lowering of the adjustment factor used in the valuation of second hand motorcars from 25% to 5%;
- (iv) capping the rate of depreciation for second hand cars at 50%, and
- (v) a transition period of three months ending 31 October 2016 to clear motorcars from customs control under previous tax regime.

I am informed that representations have been received from dealers in imported second hand motor vehicles to –

- (i) review the regulations concerning the adjustment factor for valuation of imported second hand motorcars, and
- (ii) amend the Excise Act to extend the deadline for the transition period from 31 October 2016 to 30 June 2017, during which the previous tax regime could continue to apply.

On 20 October 2016, a case was lodged at the Supreme Court by 32 dealers in second hand vehicles, challenging the regulations about the change in adjustment factor and requesting an Interim Order to prohibit the implementation of the regulations. The Supreme Court turned down the request for the Interim Order on 16 November 2016, and the case has been scheduled for 24 January 2017.

Nonetheless, we have been considering the representations made by the dealers in imported second hand vehicles and, in that respect, we had several meetings with representatives of the Dealers in Imported Motor Vehicles Association (DIVA), the last meeting being held yesterday, where a proposal was made to raise the adjustment factor from 5% to 8%. It was agreed that the joint team of officials from the Ministry of Finance and Economic Development, the Ministry of Industry, Commerce and Consumer Protection, the Mauritius Revenue Authority and the Attorney General's Office would discuss with representatives of DIVA on the technical and operational aspects of that proposal.

With regard to the extension of the deadline for the transitional period to 30 June 2017, it is not proposed to amend the Excise Act. The House may wish to note that all transitional periods in the past have been for three months only.

Madam Speaker: Hon. Osman Mahomed!

Mr Mahomed: Thank you, Madam Speaker, being given that this sector is quite important to the economy, 5,000 jobs direct and indirect being combined, is the hon. Minister aware that this sector is facing great difficulty? Because sales of second-hand cars have gone down by 90 per cent but, conversely speaking, sales of new cars have gone up tremendously. So, being given that this is the case and until such time that a solution is being found because the discussions are still ongoing, can the hon. Minister apply status quo, that is, let the previous regime follow, in order for this sector not to know an immediate death, and then let discussions follow? Is the hon. Minister prepared to do that?

Mr Seeruttun: Madam Speaker, like I said in my reply, there was a meeting held yesterday with the stakeholders and they have agreed that a technical committee be set up to look into all the aspects of that issue, so that some decision could be taken thereon. So, let's leave it to that Committee to look at the details of the problems and then probably we will come up with some decisions.

Mr Mahomed: Well, the current figure is 25% and previously it was 25 per cent. It was revised in the Budget to 5 per cent and yesterday it was proposed that it be 8 per cent. But, after the meeting, they have informed me that they are not agreeable with this figure of 8 per cent. So, is the hon. Minister prepared to accept that status quo be applied until such time that a figure that is agreeable to all parties be finalised?

Mr Seeruttun: Again, Madam Speaker, I am informed that at the meeting held yesterday they did raise that issue. They agreed to set up that Committee with technical people to look into it. So, I will ask the hon. Member to, at least, allow the Committee to meet and discuss the issues and then probably we will come up with some solutions.

Madam Speaker: Yes, the hon. Member has a last question on this?

Mr Mahomed: Has the hon. Minister set up with the officers of the Ministry concerned a time frame for this issue to be finalised and done with?

Mr Seeruttun: As far as I can recall, they are going to meet this week itself.

Madam Speaker: Hon. Dr. Sorefan!

SORÈZE - FATAL ROAD ACCIDENT - INQUIRY

(No. B/971) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the fatal road accident which occurred at Sorèze in May 2013, he will state where matters stand as to the –

- (a) inquiry carried out thereinto by various consultants and engineers, and
- (b) proposed payment of financial compensation to the injured victims/families of the victims thereof.

Mr Bodha: Madam Speaker, I thank the hon. Member for the question. With regard to part (a) of the question, I am informed that just after the accident which occurred on 03 May 2013, Mechanical Engineers of my Ministry carried out preliminary examinations on the accidented bus. In addition, on 09 May 2013, two Indian Engineers from Ashok Leyland Company Ltd., Chennai, manufacturer of the bus, visually examined the motorbus and submitted their findings to the Police.

As regard to part (b) of the question, I am informed that 33 claims for compensation had been submitted by the NTC to SICOM General Insurance. As at date, 23 claims for some Rs14.6 m. have been settled; 2 claims of Rs1.6 m. are in process for settlement by the end of this week and 8 claims of some Rs25 m. are still under progress given that the matter is *sub judice*.

Madam Speaker: Yes, hon. Dr. Sorefan!

Dr. Sorefan: As we know, we had ten fatalities in that accident. Can the hon. Minister inform the House how many families of those ten fatalities got compensation or it is still being processed for compensation?

Mr Bodha: Well, I have a list here. We had 33 passengers. Among the first 23 where there has been a settlement, six families where there was a death have been compensated. For the other claims which are under process and which will be addressed very soon, we have one death.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: The hon. Minister said that we had engineers right from the beginning who enquired and got all the facts and figures for this accident. May we know whether he is prepared to table all the information that we got from the engineers and consultants for the sake of good governance?

Mr Bodha: Madam Speaker, in fact, I asked the same question on whether there was any report from the Ministry of Public Infrastructure (Engineering Section), and I was told that the report was sent to the then Prime Minister and the report is not available at the Ministry of Public Infrastructure.

As regard to the report of the engineers, they made a report where, in fact, they made a number of recommendations as regard to what should be done, but they never gave a specific answer to what happened.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Following the accident, there were a lot of speculations as to the cause of the accident. So, may I know from the hon. Minister whether there has been, to his knowledge, any Police inquiry into the death of these ten people and whether any person has been prosecuted in connection therewith?

Mr Bodha: From the answer that I have here, there was a judicial enquiry which was carried out and the recommendations of the Ashok Leyland Group were also given to the Police, and in August 2013 Police informed that the inquiry was completed and referred the matter to the Director of Public Prosecutions for advice.

In May 2014, the Director of Public Prosecutions advised for the holding of a judicial inquiry into the cause and the death of ten persons and the circumstances connected with their death. The judicial inquiry was conducted by Mrs Dookhy-Rambarun, Acting Magistrate of the Intermediate Court from July 2014 to August 2014, and on 23 September 2014 the findings and recommendations thereof were submitted to the Director of Public Prosecutions. The learned to Magistrate found no evidence of foul play.

On 03 October 2014, in the light of the findings the Director of Public Prosecutions referred the case back to Police for further inquiry and clarifications. Thereafter, on 05 February 2016, Police referred the case anew to the Director of Public Prosecutions and on 20 October 2016, that is, a few weeks back, the Office of the Director of Public Prosecutions advised no further action.

Madam Speaker: Yes, hon. Leader of the Opposition!

Mr Bérenger: On a matter of principle, I have nothing against the manufacturer from whom we bought those buses, but did I hear the hon. Minister say that, very soon after, they sent engineers who looked at the bus and so on? Is it the right practice? I mean, they can't be

judge and party! They are engineers from the firm that sold us the bus. Why do we not have the advice of independent engineers and not engineers from the firm concerned?

Mr Bodha: I totally agree with the hon. Leader of the Opposition. But, at that time, there was an enquiry which was carried out by the Ministry of Public Infrastructure which did not give any indication as to what happened and when the Ashok Leyland Engineers came, they never explained what had happened. On the contrary, they gave a number of recommendations for the future. I totally agree that there should have been at that point in time an independent technical survey.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: As far as I can remember, Madam Speaker, at that point in time when we were asking questions, we were being told about the driver. The family has a lot of problems concerning compensation and even the National Transport Corporation was giving peanuts from the saving accounts. Can the hon. Minister inform the House whether the matter concerning the family of the driver has been paid the whole compensation?

Mr Bodha: I don't have the exact answer, Madam Speaker. In fact, I don't have the names of the passengers, but we have passenger number one, and I presume that it is the driver, and we have death, and the family was offered compensation; they have already settled a sum of Rs1.8 m.

Madam Speaker: Last question on this issue, hon. Jhugroo!

Mr Jhugroo: Madam Speaker, after having listened to the reply given by the hon. Minister after the supplementary question asked by the hon. Leader of the Opposition, would the hon. Minister ask the management of the NTC if they could consider reopening an independent enquiry with independent engineers, as has just been mentioned by the hon. Leader of the Opposition, to see what really happened with regard to that particular accident?

Mr Bodha: Well, this happened some years back. From what I have, the Police were informed on 31 October that the DPP had advised that there was no further action and that the motorbus be returned to the NTC. Arrangements have been made to take custody of the bus. I do not know, maybe, if the bus is still around, we could see whether it can be done now.

(Interruptions)

I have to check.

FOOT AND MOUTH DISEASE - OUTBREAK

(No. B/972) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Agro-Industry and Food Security whether, in regard to the recent outbreak of the Foot and Mouth Disease, he will state if the Ministerial Veterinary Department of his Ministry has been able to contain same, indicating the necessary steps taken therefor.

Mr Seeruttun: Madam Speaker, the first signs of the Foot and Mouth Disease were detected in Mauritius in the first week of August 2016 at the Richelieu Quarantine Station and a farm in Vallée des Prêtres where animals imported from Rodrigues were kept.

Upon confirmation from tests carried out at the Animal Health Laboratory in Réduit and a reference Laboratory in South Africa that the Foot and Mouth Disease was present in the country, the Crisis Committee set up to monitor the control of the disease recommended that recourse be made to culling of the infected animals and in-contact animals and vaccination of all the other animals, namely cattle, goats, sheep and pigs.

This recommendation was in line with advice tendered by the Office International des Epizooties (OIE), Dr. Harena Rasamoelina, Veterinary Epidemiologist employed at the Indian Ocean Commission and Dr. Mokganedi Mokopasetso, Veterinary Epidemiologist from the Botswana Vaccine Institute who visited Mauritius from 13 to 17 August 2016.

Some 1,696 animals comprising 601 cattle, 425 goats and sheep and 670 pigs have been culled during the period 06 August to 19 September, 2016. Thereafter, no new cases of the disease have been reported.

The vaccination campaign started on 20 August 2016 and two doses of the vaccines have to be administered within intervals of 3 to 4 weeks. These two doses are to be followed by a booster dose to be administered after a period of 4 to 6 months depending on the risks of infection. Depending on the disease status, a second booster dose after another period of 6 months may be warranted if it is found that the disease is still prevalent in the country.

Mauritius has already completed the first stage of the vaccination programme and has embarked on administration of the second vaccination dose, which will be completed by 25 November 2016. As at to date, some 51,700 animals across Mauritius have been vaccinated with the first vaccine dose. As regards, the second dose, 37,017 animals have already been vaccinated and the remaining will be completed in the course of next week.

The situation in Mauritius is now under control as far as the disease is concerned. The last reported case of FMD affected animal dates back to 18 September 2016. No new cases of the disease have been observed to date. However, latest analysis reports, obtained on samples of blood collected at the Central Abattoir, indicate that the virus is still present in cattle from Socovia farm, in caprine and in ovine. The serological tests have also revealed that the virus is not present in swine.

The Sero surveillance programme at farm level to determine the effectiveness of the vaccination programme and whether the virus is still circulating in Mauritius will start one month after the completion of the second vaccination. This course of action is in line with the requirements of the World Animal Health Organisation (OIE) for a country to recover its disease-free status.

Dr. Sorefan: Well, we got all these answers before in PNQs and in PQs. Since the beginning of the outbreak, one of his veterinary surgeons said it publicly that they did not know what to do and, as if, all the answers given by the hon. Minister are by trial and error to deal with this because they did not have a protocol. They said that they did not know what to do since the beginning and this has been said publicly.

Madam Speaker: Hon. Member, what is your question?

Dr. Sorefan: Will the hon. Minister confirm this and see that we have a protocol of treatment for the Ministry for this outbreak and to the breeders also?

Mr Seeruttun: Madam Speaker, as you are probably aware, we have a Fact-Finding Committee that we have set up to look into all the issues of the FMD that occurred here. So, I will leave it to the conclusion of that report to see what was done, whether it was done correctly or not and what are the proposals that would be recommended by that Committee to prepare ourselves for any other kind of outbreak in the future.

Mr Jhuboo: Being given that the FMD is not, as we are well aware, a mortal disease, could we know from the hon. Minister whether the culling of thousands of animals could have been avoided and, as a consequence, millions of rupees could have been saved as compensation paid to the breeders?

Mr Seeruttun: Madam Speaker, as I have stated in replies given in the past, when the disease was detected in a very localised area, we wanted to prevent the spread of the disease and one way to prevent the spread of the disease was to cull all the animals inspected or those

in contact with those infected. That is something which is recommended by all the experts in that field and we proceeded according to those recommended advices.

Mr Uteem: The hon. Minister mentioned a Fact-Finding Committee and a lot of the answers are now premature, we'll have to wait for the Fact-Finding Committee. So, can I get the assurance from the hon. Minister that, once this Fact-Finding Committee's report is published, he will come and lay a copy of that report in front of the Assembly?

Mr Seeruttun: Madam Speaker, I have no problem in tabling this report to the House.

Mr Leopold: Madam Speaker, with regard to the Foot and Mouth Disease which occurred both in Rodrigues and in Mauritius, I just want to know from the hon. Minister whether the causative agents of the disease is of the same strain in Rodrigues and in Mauritius. If yes, would the hon. Minister inform the House the scientific reasoning behind of banning the importation of animals from Rodrigues to Mauritius?

Mr Seeruttun: Madam Speaker, I must say that the strain that has been detected following the test carried out is the same, that is, O type. The decision not to import animals from Rodrigues is to prevent any more animals getting infected in Mauritius. So, that is the main reason that we do not want any more animals that are suspected with the disease to come into the island.

Mr Jhuboo: Concerning the end of year, can we know from the hon. Minister whether he will allow export from Rodrigues to Mauritius for cattle, goats and lamb?

Mr Seeruttun: Madam Speaker, I have asked the Department of the Veterinary Services to look into the possibility of considering the option of bringing in animals from Rodrigues because I have been told that there was one region in Rodrigues that was not affected at all by the disease. If that is the case and if there are some logistics that we can put in place so that those animals are still free from that disease and they can be moved from that farm to come to the Port area of Rodrigues and then to Mauritius at the MMA for the slaughtering, if that is possible without getting into contact with other farms in Rodrigues, then we will consider that option. In fact, I have convened a meeting this Thursday to look into all the possibilities for considering that option.

Madam Speaker: Hon. Dr. Sorefan!

NTC - SEMI-LOW FLOOR BUSES

(No. B/973) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the supply of 100 semi-low floor buses by ABC Coach Works Ltd. in April 2016 to the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to –

- (a) if the buses delivered are as per specifications;
- (b) the number thereof delivered on a monthly basis;
- (c) how far the specifications thereof differ from those of the 20 buses donated by the Chinese Government;
- (d) if an engineer of the Corporation was dispatched to the Chinese manufacturer and, if so, why, and
- (e) if an employee of the Corporation has been suspended in connection therewith and, if so, indicate the reasons therefor.

Mr Bodha: Madam Speaker, with regard to part (a) of the question, I am informed that the 100 semi-low floor buses supplied by ABC Coach Motors Ltd to the National Transport Corporation were delivered as per specifications of the bidding documents. As regards part (b) of the question, I am informed by the NTC that all the 100 buses were delivered in the month of April 2016 during the period 13 to 29 of the month.

Madam Speaker, concerning part (c) of the question, I am informed that the 20 buses donated by the Chinese Government have different features as compared to the 100 buses procured in terms of model, engine capacity, air conditioning system, emission control, amongst others. The engine capacity in the 20 donated buses is 8,424 CC whereas in the 100 buses, the engine capacity is 8,300 CC. The seating capacity of the 20 donated buses is 44 as compared to 50 in the buses delivered by ABC Coach Works Ltd and these are not air-conditioned. The engine of the 20 buses is Euro IV, that is, more environment friendly, while the engine of the 100 buses is Euro II because it corresponds to the quality of fuel being used in Mauritius. In fact, for the 20 buses we have to put some additives. In addition, the 100 procured buses are equipped with WIFI, GPS, security cameras, LCD screens and reverse monitor, whereas no such accessories are fitted in the 20 donated buses. The Yutong buses are fitted with a dual control retarder system which allows the driver to isolate automatic control when using the hand operated control. Owing to the recklessness of some drivers, the

system was mishandled representing a serious risk of accidents, thus only the automatic control system has been retained for the security of the passengers.

Madam Speaker, with regard to part (d) of the question, I am informed that a pre-construction meeting, as well as, a pre-delivery inspection mission had to be held at the Manufacturer's plant in China, prior to the construction and before delivery of the buses respectively and in accordance with the provisions of the bidding documents.

Accordingly, the Acting Chief Engineer of the NTC, the Director of the Mechanical Division of the Public Infrastructure Division of my Ministry accompanied by a representative of the Ministry of Finance and Economic Development who was a Board Director proceeded to China from 29 November 2015 to the 08 December 2015 to prepare the technical specifications prior to the buses went into production. Thereafter, the Acting Chief Engineer and the then General Manager of the NTC proceeded to China from 09 to 18 January 2016 to ascertain compliance to specifications before delivery.

Madam Speaker, as regards part (e) of the question, I am informed that a driver of NTC was suspended with pay, from work as from 01 July 2016, on the charge of misconduct. The driver gave an interview in the Press wherein false and malicious statement was made in relation to the braking system, namely the retarder of the new fleet of semi-low floor buses.

The driver not only breached the internal rules and regulations of the NTC but also caused tremendous prejudice to the company, as the information conveyed to the members of the public was totally erroneous. In fact, ABC Motors published a communiqué informing that the Yutong buses were, in fact, equipped with a retarder.

The driver was convened for a hearing by the Central Disciplinary Board of the NTC on 22 July 2016. The hearing was completed on 29 September 2016. Given that the charges levelled against him were proved, the employee was dismissed by the NTC Board as from the 05 October 2016. He had made an appeal to my Ministry through his lawyer and an Appeal Committee will soon look into the matter.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Madam Speaker, as regards the specifications, the hon. Minister said: "All the 100 buses were delivered as per the specifications". Is he confirming that, as per the specifications that were circulated, which reads "50 sitting capacity plus 12 standing capacity, seatbelts to be provided at all seats at decency panel, seats facing gangways, all the buses

have 50 sitting capacity? Because I remember very well that, at one point in time, the hon. Minister said the buses were delivered with 42 sitting capacity and were modified later on.

Mr Bodha: What I wanted to say, Madam Speaker, is that the buses for the NTC were, in fact, customised for the NTC. Why? It is because the individual bus owners are very reluctant to adopt the semi-low floor buses. So, what we did is we customised the bus for the NTC to show that, in fact, a semi-low floor bus could still carry 50 sitting passengers and 12 standing, that is, about 62. What the private bus owners want? In fact, their problem was having the high-floor buses with 3-2 seating capacity having about 60 passengers. So, we wanted to show to them that we can customise a semi-low floor bus having sitting and standing passengers, but still having about 60 passengers.

Madam Speaker: Hon. Jhugroo!

Mr Jhugroo: Can the hon. Minister inform the House what is the percentage of new buses out of the fleet of the buses of the NTC?

Mr Bodha: Well, the NTC has about 400 buses. We are scrapping about 50 and we have put 120 new buses. So, in fact, a third of the fleet has been renewed and we have put them on the main lines.

Madam Speaker: Hon. Leader of the Opposition!

Mr Bérenger: Can I ask the hon. Minister to clarify the point? Was there any link between the donation of the 20 buses and the tendering out of the 100, as has been referred to in the Press?

Mr Bodha: In fact, the Government of China came to us, and in the 8th package, *la Commission Mixte* proposed that the 20 buses be granted to Mauritius. That was before. In the last mission of the hon. Minister of Finance and Economic Development to Beijing, they have granted another 20 buses. We had decided to renew the fleet and there was a proper tendering exercise which was carried out with all tenderers coming from China, India and buses from Europe as well.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Madam Speaker, is the hon. Minister aware that not within one year a few of the buses are emitting black smokes because probably these buses are not adapted to our hilly roads? Can the hon. Minister see with the NTC as to what remedies are being taken?

Mr Bodha: We will look into the matter, Madam Speaker.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: The new semi-low floor buses are now in use not only by the National Transport Corporation, but also by individual operators. Has the hon. Minister thought about having an independent survey to be conducted by Shree Consultants to see about the reliability and also having the opinion of the travelling passengers? It is good to have the opinion of the travelling passengers through a sort of survey to know exactly whether this massive investment we have made has been welcomed by the travelling public.

Mr Bodha: Madam Speaker, we have to see what the norms were before. We have the lorry, which was the chassis of the lorry, and we build a bus on it. We have two seats and three seats. These buses have been designed for the comfort of passengers. Why it is semi-low floor? Because it allows the passengers to get in. In fact, the norm today, Madam Speaker, is not the semi-low floor; it is the low floor. The buses are more comfortable, for example, for the handicapped people. So, the norm today is to go for a low floor and semi-low floor. Tomorrow, when we are going to have the passenger terminals, we will see to it that, in fact, it will become even easier for the passengers to access. But I totally agree with my hon. friend that we should do a survey, maybe an opinion survey with regard to how the people react to it. But from my experience and from what has been told to me, people are happier because it is more comfortable and it is easier to access.

Madam Speaker: Last question, hon. Jahangeer!

Mr Jahangeer: Can the hon. Minister confirm if these buses from China are equipped with a safety device, which prevents somebody from opening the back door while the bus is running?

Mr Bodha: All the safety devices, I think, have been tested. I have to see, but I don't think that this should be a problem.

(Interruptions)

Madam Speaker: Next question, hon. Ameer Meea!

NATIONAL CSR FOUNDATION – SETTING UP

(No. B/974) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Corporate Social Responsibility, he will state -

- (a) if the National Corporate Social Responsibility Foundation has been set up and, if so, indicate the -
 - (i) composition, and
 - (ii) terms and conditions thereof, and
- (b) quantum of money collected in terms thereof, indicating the quantum thereof granted to the Non-Governmental Organisations.

Mr Roopun: Madam Speaker, in regard to part (a) of the question, I wish to inform the House that the setting up of the National Corporate Social Responsibility Foundation was announced in the 2016/17 Budget. The charter of the new Foundation has been finalised. Actions are being taken for the Foundation to be established by this January. The Foundation will be managed by Council comprising of a Chairperson, members from the private sector, public sector and civil society.

In regard to part (b) of the question, I wish to inform the House that such information will be available once the National CSR Foundation becomes operational as from January 2017.

Mr Bérenger: May I know whether it would be set up by way of an Act, of a Bill, of legislation or through regulations?

Mr Roopun: The Foundation is going to be established through a Charter.

Mr Bérenger: Will the charter be voted by the House or not?

Mr Roopun: The charter will be a separate exercise, but I shall be coming to Parliament with a Bill for the enabling legislation through which some provisions under the Budget shall be implemented.

Mr Ameer Meea: Madam Speaker, so much time and money have been wasted in relation to CSR when the guidelines have been removed in 2015. Now, this was announced in the Budget...

Madam Speaker: Ask your question!

Mr Ameer Meea: ...and up to now, we don't know who will chair the Committee. To prevent any political interference, can I ask the hon. Minister whether this Committee will be chaired by an independent person? What will be the composition? Will it comprise of people of the public sector, private sector? Who will form the majority of this Committee so as not, again, to waste time and money in this direction?

Mr Roopun: Madam Speaker, may I just enlighten the hon. Member that we have not wasted time at all. This was announced in the last Budget, and immediately after we carried out consultation. The charter is now ready; in any event, the Foundation is going to be operation as from January 2017. In good time, everything will be ready. Insofar as members are concerned, the hon. Minister of Finance and Economic Development did mention, during a PNQ, that proper consultation will be carried out with all stakeholders so that everything is done in a transparent manner.

Mr Mahomed: With the new Council that is going to be set up and in view of the fact that money has been wasted, as has been said by hon. Ameer Meea, can consideration be given to an evaluation of all the NGOs in Mauritius, which have known a mushrooming since the onset of CSR Scheme, to see how they perform and whether value for money is being obtained, given that huge amounts of public funds are being attributed to them?

Mr Roopun: Madam Speaker, may I just correct the hon. Member. I can't say that money has been wasted as such. But, insofar as the number of NGOs is concerned, it has been booming, not during this mandate, but much earlier. This is why we have come with this new Foundation and, hopefully, we shall support all genuine NGOs while dealing with those who are NGOs just in name. But this will be the main responsibility of the Foundation. We are fully aware of this state of affairs and we will try to remedy as far as possible.

Mr Ganoo: Madam Speaker, when the Foundation will be eventually set up, can I ask the hon. Minister whether the businesses and the corporates will be made to provide for the 50% of what is due by them to the CSR Foundation, that is, retroactively, will they be made to pay the sum that they should have paid if the Foundation was set up earlier?

Mr Roopun: No, in fact, Madam Speaker, the CSR company will be able to spend, up till the end of this year, 50% of the CSR Fund and the other 50% will have to be forwarded to the Foundation for the six pillars which have been identified during the Budget.

Mr Ameer Meea: Can I ask the hon. Minister whether this Foundation will give money also to the NGOs? How will it do that? What will be the criteria? What will be the quantum or whether this Foundation will do its own projects?

Mr Roopun: No, in fact, Madam Speaker, we are concentrating on six pillars. The intention of Government is for all NGOs to come with an expression of interest and the Foundation will choose from those projects and allocate funds to NGOs in relation to those projects.

Madam Speaker: Last question on this issue, hon. Quirin!

Mr Quirin: Merci, Madame la présidente. Peut-on savoir s'il y aura un moyen de contrôle quand la Fondation sera mise sur pied de façon à éviter toute forme d'ingérence politique ou autre afin que tout soit fait dans la plus grande transparence ? Est-ce qu'il y aura un moyen de contrôle efficace ?

Mr Roopun: Définitivement, Madame la présidente.

Madam Speaker: Next question, hon. Quirin!

ATHLETES – INSURANCE COVER

(No. B/975) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the insurance cover for athletes, he will state if all the national federations are abiding by section 5(1)(d) of the Sports Act 2013 and, if so, indicate the conditions attached thereto.

(Withdrawn)

MAURITIUS PROFESSIONAL FOOTBALL LIMITED – FINANCIAL SUPPORT

(No. B/976) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the financial support of Rs36 m. disbursed by Government for financial year 2016-2017 to the Mauritius Professional Football Limited (MPFL) for the organization of the Professional Football League, he will, for the benefit of the House, obtain from the MPFL, information as to how same has been/is being spent.

(Withdrawn)

VUILLEMIN – FOOTBALL GROUND – UPGRADING

(No. B/977) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Local Government whether, in regard to the Vuillemin Football Ground, in Beau Bassin, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin and Rose Hill, information as to the total cost of the upgrading works carried out thereat, indicating the –

- (a) scope thereof;
- (b) name of the contractor therefor, and
- (c) start and completion dates thereof.

Dr. Husnoo: Madam Speaker, I am informed by the Municipal Council of Beau Bassin/Rose Hill that an amount of Rs1.8 m. was earmarked under the Local Development Project 2015/2016 to undertake the project 'Upgrading of fencing of Azor Adélaïde Football Ground at Vuillemin, Beau Bassin'.

Following a tendering exercise, the contract was awarded on 22 January 2016 to RG Contractor Co. Ltd. for the sum of Rs1,602,967.20, including of VAT, and a contingency of Rs100,000.

The Contractor started work on site on 17 February 2016. The duration of work was 105 days and was expected to be completed by 31 May 2016.

The scope of works for the contract were –

- (i) removal of the existing chain link fencing and straining wires and rusted fencings to be carted away;
- (ii) dismantling of the existing horizontal and vertical and diagonal metal poles;
- (iii) construction of new concrete columns and low perimeter block wall;
- (iv) erection of metal structure using new poles as well as treated existing poles which were still in good condition;
- (v) supply and fixing of new fencing, bracings, straining wires, etc.;
- (vi) rendering of new block wall, columns and copings on both sides;
- (vii) repair and re-fixing existing gates;
- (viii) reinstatement of damaged turf during construction works.

However, during the implementation of the project, several shortcomings were noted on the part of the contractor such as –

- (a) poor workmanship;
- (b) contractor failed to abide by the programme of work and there was poor monitoring on his part;
- (c) contractor refused to accept liabilities for the damages caused to the Municipal amenities found next to the Municipal Football Ground during the execution of works, and
- (d) works were not completed within the timeframe and, therefore, liquidated damage as stipulated in the penalty clause of the contract had to be applied.

In view of the repeated shortcomings and failure to honour the contractual obligations, the Council had no alternative than to terminate the contract of RG Contractor Co. Ltd. on 25 August 2016.

The Council made a payment of Rs1,017,085.20 to the contractor, representing valuation of works completed on site assessed at 75% after termination of contract. The payment effected excludes retention money amounting to Rs66,005.36 and Rs154,005 to make good the damages caused by the contractor on site by in-house labour of the Council.

Subsequently, a fresh bid to complete the outstanding works at Vuillemin Football Ground was launched on 02 September 2016. On 29 September 2016, the Council approved the award of the contract to the lowest responsive bidder, Winkinson Co. Ltd, for an amount of Rs426,235, inclusive of VAT and contingencies of Rs25,000.

The scope of works, amongst others, include the following –

- (i) supply and fixing of missing poles (horizontal and diagonal), new metal plates and bracings;
- (ii) making good all defective welding works noted on all fencing;
- (iii) application of galvanised compound on all welded parts and other sections;
- (iv) supply and fixing of outstanding fencing and straining wires, and
- (v) reinstatement and fixing of gates.

Letter of acceptance was issued on 20 October 2016 and an agreement was signed on 27 October 2016. Winkinson Co. Ltd has taken possession of the site on 15 November 2016 and the work is expected to end by 15 December 2016.

Madam Speaker: Hon. Quirin!

Mr Quirin: Madame la présidente, l'honorable ministre en effet est au courant que les travaux avaient été stoppés pendant une période de trois mois et qu'ils n'ont repris que la semaine dernière. Peut-on avoir l'assurance du ministre, si ça peut se faire, que cette fois-ci les travaux vont être complétés dans les délais, de façon à ce que les jeunes de la région ne soient pas pénalisés pour longtemps encore ?

Dr. Husnoo: I have explained there were some shortcomings not on the part of the Council but on the part of the contractor. We have replaced him. The work has already started, and we hope that by 15 December it is going to be okay.

**MAURITIUS CIVIL SERVICE MUTUAL AID ASSOCIATION LTD. – PUBLIC
DEPOSIT**

(No. B/978) 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 Mauritius Civil Service Mutual Aid Association Ltd., he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to –

- (a) if it is licensed to take deposit from the public and, if so, indicate the aggregate amount thereof obtained from the public as at to date, and
- (b) actions taken against the Association, if any.

(Withdrawn)

LOVE BRIDGE PROJECT - BENEFICIARIES

(No. B/979) 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 Love Bridge Project, he will state the -

- (a) number of staff recruited in connection therewith, and
- (b) aggregate amount of funds distributed to date to poor families, indicating the number thereof who have benefitted therefrom and the respective address thereof.

The Minister of Agro-Industry and Food Security (Mr M. Seeruttun): Madam Speaker, I am informed that Love Bridge Ltd has so far recruited 32 staff.

As regards part (b) of the question, Love Bridge Ltd promotes empowerment rather than *assistanat*, and is based on the principle of '*Une famille accompagnatrice parraine une famille vulnérable*'. It assists beneficiaries to connect with services provided by relevant Government agencies and NGOs depending on their needs and encourages them to send their children to school and helping them to find employment.

So far, it has reached out to 224 poor families (comprising around 1,000 persons) as follows, in the region of -

- Port-Louis – 66 families
- Lower Plaines Wilhems – 29 families
- Upper Plaines Wilhems – 62 families

- Moka/St Pierre – 34 families
- Rivière Noire – 33 families

The Love Bridge Project aims at reaching out to a total of 2,500 persons by December 2017. It will extend its programme to other regions across the country. To this end, they are recruiting more social workers and identifying new volunteers (*accompagnateurs*) to be able to cover other parts of the island.

Mr Uteem: Madam Speaker, in the presentation of Love Bridge, it was stated that they were going to recruit 500 professionals and look for 8,000 families. Now I hear that after one year, they have recruited only 32 staff and they are looking at only 200 families! Can I know from the hon. Minister whether he is satisfied with the Rs100 m. that have been given by the Government to Love Bridge and whether this is being used properly?

Mr Seeruttun: Madam Speaker, I am informed that they are still in the process of recruiting new volunteers, which is something that takes time apparently because to get people to come and do that kind of work is not very readily available. But they have so far touched, like I said, a thousand people and the target for December 2017 is to reach out to 2,500 persons. I think they are working to, at least, attain that objective.

Mr Ameer Meea: The Love Bridge came into operation when the guidelines were removed. Now that we have the CSR Foundation, which will come into operation in January, what will happen to Love Bridge? Will it still be in operation? Who will fund it, where will the funds come from? Is it from Government? May the hon. Minister enlighten the House on this?

Mr Seeruttun: Madam Speaker, the Government injected a seed capital of Rs100 m. in that company and it is a one-off grant. I am informed that, through that capital that was injected, it is going to generate revenue and also the corporate sector, which is adhering to that philosophy of doing that kind of *accompagnement*, is also going to contribute to that company to finance the projects that are being undertaken under that scheme.

Mr Bérenger: It was our money, Rs100 m., that hon. Lutchmeenaraidoo, then, unfortunately, Minister of Finance, *généreusement* gave to the Love Bridge project. Can I know how much of that has been used by Love Bridge Co. Ltd?

Mr Seeruttun: According to the statement of accounts that I have here, as at 31 October 2016, the amount spent with regard to payroll and operational team related costs relates...

(Interruptions)

If I give the amount of money received, apart from the Rs100 m. injected, there are...

(Interruptions)

If you allow me! As at end of October 2016, the amount left on that Fund is Rs96,000,323. But, over and above the Rs100 m. injected, the private sector has contributed an additional amount of Rs3.6 m., interests received on the amount deposited amount to nearly Rs1 m. So, when you deduct all the expenditures incurred, the amount left on this account is Rs96 m.

Mr Baloomoody: The hon. Minister just mentioned a list of families, 62 in Upper Plaines Wilhems; 62 in Curepipe. Can he tell us on what criteria this foundation chooses these families?

Mr Seeruttun: If you look at the objectives of Love Bridge, which are to look at different areas which we consider priority areas and to address those problems in the fields of education, housing related issues, nutrition, health and coaching skills and upgrade. Based on the main areas that we consider priorities, it is in those areas where there are families who are suffering from the different problems related to those issues that are being targeted and they are these families who have been taken on board under that scheme.

Madam Speaker: Hon. Uteem, last question!

Mr Uteem: This Love Bridge project has been a total failure and has not complied with the vision and objectives. It was supposed to raise Rs10 m. every year from the private sector and recruit 500 staff. It has not done that. I know that the hon. Minister is not the substantive Minister, but can he convey to his colleague that the population and the people in the Opposition think that this is waste of public money and, therefore, since Love Bridge has not kept up with its commitment, the money should be brought back to the Consolidated Fund or to the Foundation?

Mr Seeruttun: Madam Speaker, I think the whole project of the Love Bridge is a complete different concept. I do not know whether, at this initial stage, we can deduce that it's a complete failure. So far, some 1,000 people have been reached out and being *accompagnés* by these volunteers and, like I said, for the year ending December 2017, some 2,500 persons have been targeted. At least, give it a chance to make its *preuve*.

Mr Bérenger: I don't want to be perceived as Love Bridge Co. Ltd bashing! If the hon. Minister doesn't have the information, can the hon. Minister check whether, in fact, the

Love Bridge project requested money from the public fund or was it a *lubie* of the former Minister of Finance? It was not his money, so he used Rs100 m. of public money. Can he check if there was a request for public funds from the Love Bridge Co. Ltd. and whether there is at present any request? If otherwise, as it has been suggested, this money should be returned to the Consolidated Fund.

Mr Seeruttun: Madam Speaker, I'll enquire about that, but, as far as I know, it was a one-off disbursement and there shouldn't be any new request for an injection from public money.

FINANCIAL SERVICES COMMISSION - MR A. D. - RECRUITMENT

(No. B/980) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the recruitment of Mr A. D. by the Financial Services Commission, he will, for the benefit of the House, obtain from the Commission, information as to the –

- (a) scheme of duties thereof;
- (b) remuneration package thereto, and
- (c) number of overseas trips undertaken by him since his appointment to date, indicating in each case the -
 - (i) countries visited;
 - (ii) purposes, and
 - (iii) cost thereof.

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

For parts (a) and (b) of the question, I am informed that the Financial Services Commission (FSC) is seeking legal advice as to whether the information requested can be disclosed in line with provisions of the Data Protection Act. In the affirmative and upon consent of the data subject, the information requested will be tabled.

Madam Speaker, I am also informed by the FSC that the remuneration package of Mr A. D. is in line with that of other consultants appointed by the FSC as well as those in the grade of Senior Executives.

For part (c) of the question, I am informed that Mr A. D. took part in five official missions to date, details of which I am tabling.

Mr Uteem: Madam Speaker, in the past, the Government, including the Rt. hon. Prime Minister, had answered to questions from the Opposition as to salary package, legal fees and other fees paid to consultants. Last week, there was a question on SICOM and the Government refused to answer on the basis that there was data protection. Today, we asked another question and, this time again, they are refusing to answer on the basis of data protection. So, may I know from this Government whether this is a new policy in transparency and good governance not to answer questions whenever public funds are involved?

Mr Bholah: Well, I have taken good note of the comments and the remarks of the hon. Member and I'll pass on this to the Minister when he is back in office.

Mr Uteem: Madam Speaker, Mr A. D. happens also to be the full-time adviser of the hon. Minister of Financial Services, Good Governance and Institutional Reforms. May I know from the hon. Minister whether it is the policy of Government for advisers, approved by the Rt. hon. Prime Minister, to be attached to a Minister, and that those advisers can also act as advisers to the other companies, including, in this case, parastatal bodies, the FSC?

Mr Bholah: Well, as per information I have, Mr A. D. resigned as adviser to the Minister in November 2015 and then he assumed office of FSC in his capacity.

Mr Uteem: So, in this case, may I know from the hon. Minister - I know he is the Minister of substance, but he can ask his hon. colleague - why is it then, that if Mr A. D. is no longer the adviser of the hon. Minister of Good Governance, does Mr A. D. accompany him in all his missions paid by the FSC?

Mr Bholah: Well, I'll pass on the message, so that he can supply the required information to the hon. Member later in a question.

Mr Bhagwan: Everybody knows that Mr A. D. is the blue-eyed boy of the Minister of Good Governance - it is publicly known and he is here very often. Can the Minister inform the House *quel truc a été utilisé pour payer, rémunérer et faire voyager ce blue-eyed boy aux frais de l'argent public ?* Is it good governance when the hon. Minister responsible for good governance is giving lessons to everybody?

Mr Bholah: Well, I would again request the hon. Member to put a question to the substantive Minister when he is back in office.

Mr Ameer Meea: Madam Speaker, this is really shocking what we just heard because we are talking about public funds. Each and every time there is a question to the House in relation to the Ministry of Good Governance, we hear that we should have legal advice. There is a total opacity on this Ministry, be it on Heritage City, be it on FSC, be it on everything!

Madam Speaker: Ask your question!

Mr Ameer Meea: My question to the hon. Minister, though he is not the substantive one, why is it that, at least, for the cost trip, we are not given? What is the reason we are not given the cost?

Mr Bholah: For the trip, I have tabled a paper.

(Interruptions)

ROAD ACCIDENTS (FATAL) - 01 JANUARY 2016-22NOVEMBER 2016

(No. B/981) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the fatal road accidents, he will state the –

- (a) number thereof having occurred since 01 January 2016 to date, category-wise, in which motorcycles, motor and other vehicles and pedestrians have been involved respectively, indicating the reasons therefor in spite of the measures taken and implemented as at to date to reduce the incidence thereof, and
- (b) additional measures to be taken for the prevention thereof.

Mr Bodha: I thank the hon. Member for the question. Madam Speaker, I am informed by the Police that since January 2016 to date, ...

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Order!

(Interruptions)

Hon. Minister, please, carry on!

Mr Bodha: I am informed by the Police that since January 2016 to date, 116 fatal road accidents occurred in which 160 motor vehicles were involved and 126 persons were killed.

I am also informed, Madam Speaker, that the number, by category of motor vehicles involved in those accidents is as follows –

- private cars – 41;
- auto/motorcycles – 58;
- taxi cars – 3;
- vans – 17;
- goods vehicles – 14;
- bicycles – 9, and
- other motor vehicles – 24.

With regard to the categories of victims, we have 40 pedestrians, 49 riders of motorcycles, 16 passengers, 12 drivers, 9 cyclists were among those killed in those fatal road accidents.

Madam Speaker, I have been advised that there are many reasons for such accidents and the main ones include excessive and inappropriate speeding, drink-driving, poor visibility, road side hazards and reckless driving, amongst others.

With regard to part (b) of the question, I wish to inform the House that road safety being high on the Government agenda as a matter of national importance, a National Road Safety Strategy has been adopted in May 2016 by the National Commission under the chairmanship of the Prime Minister. This is being implemented over a period of ten years and is in line with the UN Decade of Action for Road Safety. One of the overriding objectives of the strategy is to achieve substantial reduction in the number of people killed and serious injury crashes by the year 2025.

The strategy focuses on tenth strategic fields of actions –

- (i) Road Safety Research and Development;
- (ii) improving safety standards of our road infrastructure;
- (iii) re-organising the road worthiness control of motor vehicles;

- (iv) setting up of an effective road safety communication strategy;
- (v) strengthening of the Road Traffic Law and Enforcement (we are doing it in the afternoon later);
- (vi) delivering Road Safety Education;
- (vii) re-engineering the driving licensing scheme;
- (viii) post-crash trauma care and medical fitness to drive;
- (ix) reducing accident costs and funding of Road Safety Projects, and
- (x) the setting up of a road safety academy.

Madam Speaker, I wish to inform the House that various actions have been taken to reduce the incident of road crashes. However, we have noted that a great majority of accidents are caused as a result of irresponsible and dangerous driving. Consequently, since changing behaviour of road users is a long-term process, the measures targeted to modify such behaviour will no doubt take some time.

Moreover, my Ministry is taking a series of additional measures as follows -

A Road Strategy Observatory is in the process of being established;

Crash Investigation Team will soon be constituted and, in the same context, a Transport Research Laboratory of the United Kingdom has been requested to upgrade the existing Micro Accident Analysis Package;

Furthermore, a thorough Road Safety Audit of our hazardous roads is being planned with a delimitation of accident-prone areas.

A Police Road Safety Squad consisting of 40 trained Police riders has been deployed. It was launched on last Saturday, Madam Speaker.

We have also a Roadside Hazard Treatment which is being undertaken along the motorways M1 and M2.

Furthermore, a sum of Rs156 m. has been provided in the current budget of my Ministry for upgrading of footpaths, construction of additional footpaths and provision of handrails throughout the Island and works are underway.

We all know, Madam Speaker, that our roads are very narrow. In fact, we need 200 km of pavements and that will cost - just for pavements - R1 billion and this year we have a budget of Rs100 m. to be able to come with a number of kilometres of pavements.

Madam Speaker, the Bill is going to be introduced today as regards the drink-driving and other offences. We launched a *Centre de Formation Spécialisée pour les Motards* and this is one of the most sensible areas.

We are also training Medical Officers because often between the crash and the injury sustained, some victims die a few days later. Maybe they are not given the proper treatment during those first days or first hours. So, we are working with the training of Medical Officers *ce qu'on appelle les médecins urgentistes*.

A Road Risk Prevention Plan is being discussed. And then we are also discussing with the Centre for Accident Research and Road Safety of Queensland in Australia to set up a Road Safety Academy.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: I thought the hon. Minister was making a second Reading Speech. It is nearly two years that the hon. Minister is in office. We all know the backlog, but, despite all the measures he has announced in the National Assembly, week after week, concerning the problem of fatal accidents; can the hon. Minister tell us why this sudden increase? Every day there is *un accident fatal*. It is too much. So, can the hon. Minister inform us whether the whole issue of policing has been a complete failure? Will the hon. Minister have a severe look concerning this policing because we cannot have accidents like these every day despite all the measures he has stated, and there is also this expert from Reunion Island whom I consider has not brought anything much in Mauritius.

Mr Bodha: It is unfortunate, Madam Speaker, that the numbers do not tally with what we have done. In fact, we have three fatal accidents per week and one of them concerns motorcyclists. So, we have to specifically address some of the issues. We are doing a lot on the three: what we call the engineering, what we call the enforcement and what we call the education. The impression I personally have is that we have a lot of aggressive, compulsive and reckless driving. People drive for themselves rather than for the others. When you have somebody who is a pedestrian, he believes he has a right on the cross here and the driver believes he has a right as a driver. So, all that we are doing has to go with the education of people so that we do not drive for ourselves, but we drive also for others. We are tackling the

whole motorcycle issue. We have 200,000 motorcycles of which 100,000 are 15 years old, and they have never been serviced; many have this tuning effect. So, it is a jungle where now we are, in fact, trying to put some order in all this. With the launching of the 40 riders with the new Police Squad, I hope we would be able to have more safety on the roads.

Mr Bhagwan: *Il y a trop de fous au volant.* One of the main problems is that *l'exemple doit venir d'en haut.* Will the hon. Minister agree that, apart from the Prime Minister, with these VVIPs using *motards*, there is a real problem? We had the problem in the past and people are very upset by the way these Police riders, who are responsible for the *cortège des VVIPs*, are behaving. I nearly had a car accident with one Minister who should not have had a *motard* in his service. Can the hon. Minister, at least, inform the House that *l'exemple doit venir d'en haut* and also with regard to the Police? At the time we are discussing this, we have seen on 'DefiMedia', one Police Officer driving a motorcycle *complètement* Bacchus. How can the hon. Minister reconcile what is happening and also has he discussed with the Commissioner of Police?

Mr Bodha: This again is a question of education and a question of driving culture. We have to change the driving culture in Mauritius. I agree also that *l'exemple bien sûr doit venir d'en haut.* I will raise the matter with the Commissioner of Police.

Madam Speaker: Hon. Leopold!

Mr Leopold: Thank you, Madam Speaker. I would like to ask the hon. Minister whether our existing road network in Mauritius can sustain the increasing amount of vehicles.

Mr Bodha: The number of vehicles is increasing. We have, I think, about 4% to 6% on a yearly basis, but we are also building new roads and increasing the network. Well, then, hopefully, with the Metro Express, we will have mass transit transport which is going to be sophisticated and efficient and which maybe will change the driving pattern of Mauritian people.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Would the hon. Minister consider banning motorcycles, autocycles and bicycles from the motorway just like we have laws in European countries where on motorways we don't have motorcycles, autocycles and bicycles?

Mr Bodha: It is already in the law. The whole issue now is the enforcement. This is where the new Enforcement Squad will have to see to it that this is respected.

Madam Speaker: Last question, hon. Ameer Meea!

Mr Ameer Meea: In fact, it is not a supplementary; it is a point of order that I want to raise. It is in relation to the information that the Ag. Minister of Good Governance just gave. I asked whether the cost of the overseas trips of Mr A. D. has been tabled. He has stated: “yes”, but when I look into the papers that have been tabled, there is no cost, no figure on the paper. The hon. Minister is misleading the House. He has to withdraw that he has given the cost on the papers which he has tabled.

Madam Speaker: Hon. Member, I am sorry that I am not in presence of the document which has been tabled by the Ag. Minister and I am not able to rule on that now.

(Interruptions)

Can I get it?

(Interruptions)

Can I get it, please!

(Interruptions)

Now, if the information is not there, allow me to tell the hon. Ag. Minister that it is a very serious issue to say that an information has been tabled and, in fact, it has not. I have seen the document now; the information has not been tabled. So, I will request the hon. Minister to table the information.

Mr Bholah: I am sorry, Madam Speaker, but I will get the information in detail and supply it to the House.

Madam Speaker: The Table has been advised that the following PQs have been withdrawn: B/989, B/990, B/991 and B/995. Time is over! Hon. Members, I have just been advised that PQ No. B/993 has been withdrawn.

MOTION

SUSPENSION OF S.O. 10(2)

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

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.

Question put and agreed to.

PUBLIC BILLS

First Reading

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

- (a) *The Limited Liability Partnerships Bill (No. XXIII of 2016)*
- (b) *The Road Traffic (Amendment No. 2) Bill (No. XXIV of 2016)*

Madam Speaker: I suspend the sitting for half an hour.

At 4.11 p.m., the sitting was suspended.

On resuming at 4.50 p.m. with Madam Speaker in the Chair.

PUBLIC BILL

Second Reading

THE ROAD TRAFFIC (AMENDMENT NO. 2) BILL

(No. XXIV of 2016)

Order for Second Reading read.

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):
Madam Speaker, I move that the Road Traffic (Amendment No. 2) Bill (No. XXIV of 2016) be read a second time.

The main object of this Bill, Madam Speaker, is to amend the Road Traffic Act so as to -

- (a) increase the penalties for certain serious offences, and
- (b) empower a Magistrate to immediately order a person to be disqualified from driving a motor vehicle for a period not exceeding 2 months or from holding or obtaining a licence in Mauritius for a period not exceeding 6 months where that person is found to be driving a motor vehicle with alcohol concentration exceeding the prescribed limit.

Madame la présidente, l'heure est très grave. As I present this Bill to the House today, the situation on our roads, I am afraid to say, has not improved in spite of all the efforts put up by the Government to reduce road accidents and to make our road safer. This Bill is in line with the policy of Government as one of the proposals in the 2016/2017 Budget

where there will be tougher penalties for road offenders, more stringent procedures for issuing driving licences, tighter conditions regarding the issue of motorcycle riding licence and each Police vehicle will be equipped with an alcometer. The law will also be amended to provide for the introduction of *Moto École* which was launched last week.

Madam Speaker, today we have 126 deaths on our roads as compared to 117 last year at this moment in time. A breakdown is as follows -

- 40 pedestrians
- 12 drivers
- 49 riders of motorcycles
- 8 passengers
- 9 cyclists
- 7 pillion riders, that is, those who are at the back of the motorcycle, and
- one helper.

As at date, we have nine more deaths, and if this trend continues, I am afraid that we might exceed the number of deaths which was 139 last year. This is why, Madam Speaker, this Bill is being introduced today as a high priority. The road safety situation in Mauritius requires urgent attention. The current capacity has been able to stabilise the road crash level, but there is an urgent need to effectively tackle road crash reduction by enhancing the capacity of the road safety institutions and adopting a National Road Safety Strategy.

Government has declared road safety a national priority and in that context has established a National Road Safety Commission chaired by the Rt. hon. Prime Minister, which comprises of several Ministers directly concerned with the issue of road safety.

The setting up of the National Road safety Council chaired by the Senior Chief Executive of my Ministry and having as members different stakeholders, including the private sector.

The privatisation of the Fitness Centres to bring transparency and objectivity in the examination of motor vehicles and put an end to a situation of chaos and crisis which has prevailed for decades at the two vehicle examination centres operated by the National Transport Authority (NTA).

The launching of a National Road Safety month in the months of May/June during which some 50 events were organised to sensitise the public on the issue of Road Safety. I

would like here, Madam Speaker, to say a special thanks to all the NGOs, different stakeholders, Ministries and the Police for their entire collaboration for the campaign.

Last week, we launched the *Moto École* Project with the objective to make it obligatory for all new riders to follow a complete training of 1,000 hours, both in theory and practice on international standards. This is indeed a historical project and we hope that this will help to a great extent in reducing the number of accidents among riders.

Madame la présidente, on conduit dangereusement à Maurice. La notion de conduite dangereuse est une infraction commise sciemment par l'intention de causer un dommage à autrui ou de perturber la conduite normale de son véhicule. Je cite quelques exemples. Le fait de conduire son véhicule en présentant un danger pour les autres - la queue de poisson; le changement brusque de file ou de direction sans signalisation; le non-respect de distance de sécurité; doubler à gauche; rouler à une vitesse supérieure ou inférieure à la limite de vitesse.

La définition courante de la conduite dangereuse suppose à la base que le conducteur ait sciemment le contrôle de son véhicule. Ainsi le fait de dormir au volant ne constitue pas une conduite dangereuse, idem pour un malaise au volant. La sanction, Madame la présidente, c'est le processus par lequel le système juridique assure le respect du droit. Au travers de cette loi, l'objectif est d'amener, à cause du niveau de peine, tous les usagers à respecter l'interdiction posée, celle de conduire, par exemple, après avoir consommé de l'alcool. La loi doit être posée comme respectât, c'est-à-dire que la dangerosité de l'alcool au volant doit être prouvée, établie sans contestation possible. De ce fait, toutes les études ont prouvé qu'il y a un lien direct entre la consommation d'alcool et la gravité des accidents. Cette causalité directe justifie toute les restrictions posées par la loi et le niveau des sanctions car, en fait, la respectabilité n'entraîne pas le respect effectif, il y a encore trop de conducteurs qui connaissent la loi, qui connaissent parfaitement l'interdiction, mais qui ont décidé de tenter leurs chances de défier la loi. Les comportements sont loin d'être conformes à la règle.

Madame la présidente, avec cette loi, nous cherchons à instituer tout à la fois une mesure de sureté, une mesure de défense sociale de Police et de protection. Lutter contre l'alcool au volant, c'est placer la sécurité au-dessus des intérêts personnels. La société tout entière sortira gagnante du vote et des mesures que nous allons prendre ce soir pour veiller à sa stricte application, moins de tués, moins de blessés graves, moins de handicapés, moins de drame dans les familles, moins de dépenses publiques et privées.

Madame la présidente, cette loi est une arme entre les mains de la Police pour distiller une peur. La peur de la sanction, la peur de la rétention du permis. Et cette peur, c'est très clairement ce qu'il faut pour commencer à modifier la perception du risque et ainsi modifier les comportements pour éviter les accidents. C'est donc la protection de tous les usagers que nous voulons atteindre en vous proposant ce projet de loi. Elle est conforme aux droits et elle répond aux enjeux élevés de l'insécurité routière à Maurice.

Madam Speaker, in Mauritius, the situation of motorcyclists is indeed a particular one.

At the end of 2016, there were almost 5,000 vehicles registered at the National Transport Authority (NTA) of which 200,000 are two wheelers.

Total number of killed on the road – 47 riders and 7 billion riders were killed.

- It is estimated that above 60% of the riders of motorcycles are riding with a learner and should not according to law be carrying any passengers, but this is not being generally observed. In fact, you get a learner when you go to learn to drive a motorcar, but with the learner for the motorcar you can drive the motorcycle and on the same day, you can ride a motorcycle of 125CC, 250CC or any motorcycle.
- There are above 200,000 people riding motorcycles in Mauritius and we estimate that 120,000 of them are riding with a learner without adequate training, and maybe for over 20 years. So, there is something which has to be done and that's how we come to the proposed amendments.

With regard to section 123B, that is, causing death by dangerous driving, Madam Speaker, the existing provision provides for a fine of not less than Rs25,000 and not more than Rs50,000 and an imprisonment for a term not exceeding 3 years. Now, we are amending the term of imprisonment from 3 to 5 years.

In a new subsection, the fine is going to be not less than Rs75,000 and not more than Rs100,000.

Under section 123D, that is, "causing death by careless driving under the influence of intoxicating drink or drugs", it is proposed to increase the term of imprisonment from 3 years to 5 years for the first conviction. It is also proposed to insert a new subsection which caters for a second and subsequent conviction where the fine shall not be less than Rs75,000 and not

more than Rs100,000. The term of imprisonment shall not be less than 12 months and not more than 8 years.

The new Bill also makes provision to sanction cyclists being found to be under the influence of alcohol.

Madam Speaker, section 123G makes provision for a Police Officer in uniform to ask a driver to submit himself to a preliminary breath test only upon “reasonable suspicion of the driver to be under the influence of alcohol”. The Bill now provides for the Police Officer to carry out Random Breath Test (RBT) which has been adopted in many other countries. This provision would cater for those driving under the influence of alcohol to inadvertently escape from being detected by the Police and continue to drive.

As for the detention of a person found to be driving under the influence of alcohol affected by alcohol or a drug, section 123L of the current legislation provides for a Police Officer to detain a driver until he is sober or to be released if arrangement is made for the vehicle to be driven by another person who is sober.

However, it has been noted that, where arrangement has thus been made, there exists the possibility that the driver could again be driving his vehicle once he has gone home while still under the influence of alcohol or drugs after having left the Police station where he was detained.

Furthermore, this existing provision does not act as a deterrent against drink-driving. To address this issue, the existing provision is being revised so as to keep the driver in Police custody until he is sober, notwithstanding the fact that an arrangement may have been made for another driver to drive the vehicle. Provision is also being made for a Magistrate to immediately suspend a driving licence, a provisional driving licence or an international driving permit for a limited period of time, in a case where the holder of that licence or permit is found to be driving a motor vehicle with alcohol concentration twice above the prescribed limit.

Section 123LA caters for suspension of driving licence which provides for a Police officer to make an application to the Magistrate for disqualification of the licence when the driver is found to be twice above the prescribed limits in the following circumstances -

- (i) causing death by careless driving;

- (ii) driving or being in charge of motor vehicle under influence of drink or drugs under 123 E, and
- (iii) driving or being in charge of a motor vehicle with alcohol concentration above the prescribed limit under 123 F.

For the above mentioned cases, if the driver holds a driving licence, he would be disqualified from driving a motor vehicle for a period not exceeding 2 months from the date of the order. Whereas, if the driver was not the holder of a driving licence, he would be disqualified from holding a licence for a period not exceeding 6 months from the date of the order.

Now I come to the duty to report accidents. Presently, under section 140, a person has the duty to report an accident within 4 hours to the nearest Police station or to a Police officer. This provision has unfortunately given rise to situations such as “hit and run” cases whereby victims are left unattended and do not receive medical care in time. The Bill, therefore, provides for a driver to report an accident in which he is involved to the nearest Police station within a period of 1 hour instead of 4 hours. The fine for an offence committed under this section is maintained at Rs5,000, but the term of imprisonment has been increased from 6 months to 3 years.

In addition, the penalties have been increased for the following offences -

- (i) “Dangerous driving” under section 123 A;
- (ii) second and subsequent conviction under the same section;
- (iii) “driving without due care or reasonable consideration” under section 123 C(1), and
- (iv) for a second or subsequent conviction for “driving without due care or reasonable consideration” under section 123C (2), and also
- (v) for “driving or being in charge of motor vehicle when under the influence of intoxicating drink or drugs”.

Then we also have increased the penalty in the case of a second and subsequent conviction in the other cases.

Madam Speaker, to come to the last part of my speech, let me now come to the three main components that are mostly responsible for road safety. The three components are

engineering, education and enforcement. Engineering relates to road, and we are going to see to it that engineering measures offer the most effective way of reducing collisions in the short to medium term by tackling problems on the road environment directly and by seeking to counter or reduce the scope for inappropriate road user behaviour and performance.

The second one is education, Madam, and this is the solution because we have to change our driving culture. This is a tall order. But education encompasses all activities of teachers, educators, publicity agents to inform, advise, teach or instruct road users, so that they know about the law and they know how to respect the other road users. Too many people are also ignorant of our traffic laws, Madam Speaker, and education is meant, thus, to increase a person's understanding of the subject. Education should also include the teaching of safe road user behaviour to schoolchildren, so that we have a new generation of drivers and road users and the improvement of road users' knowledge, attitudes and behaviour, so that we have roads which are safe.

Finally, Madam Speaker, we come to enforcement. This is what we are doing today. Enforcement is critical to deterrents. Enforcement is a subject that people do not like to talk about and is associated with penalties and other uncomfortable consequences. Police enforcement of traffic laws is intended to influence the behaviour of road users in such a way that their risk of becoming involved in an accident or causing an accident decreases. Madam Speaker, the three Es, Engineering, Education and Enforcement to road safety, is a well-known strategy.

Before I became the Minister of Public Infrastructure, I thought that it was about public infrastructure and about land transport. In fact, we spend billions to make roads and we spend billions to provide free transport. But the cost of crashes, of accidents in Mauritius, Madam Speaker, is Rs120 m. per month. It is Rs6 billion in a year! It is 160 people dying and it is costing us Rs6 billion – if we count the insurance and many of the victims often; I have not given the age. For example, half of the casualties on motorcycles are less than 25 years old! So, it is a total loss. It is a total tragedy for the person, for the family and for the country.

So, this is a long and tedious battle which we have to win to save lives, Madam Speaker, and today we are bringing some of the amendments. We will come gradually with other amendments. For example, for the motorcycles, we will come with amendments where under 16 you cannot have a motorcycle of less than 50cc; 16 to 18, then you can move to

100cc, and 18 to 20, so that you have a gradual restriction as regards the capacity of the engine.

So, it is a very tall order, but this can be achieved only over time and when you have a strategy. We have the strategy and we have set up a number of components of the strategy. In fact, next year, in June, we are going to have a seminar with Jean-Marie Todt, who is *l'ambassadeur des Nations Unies pour la sécurité routière. Et les Nations Unies ont qualifié la sécurité routière, le nombre de morts comme étant une priorité internationale. 1.4 millions de morts par an. Et Jean Todt, qui était le directeur de l'écurie Schumacher, Ferrari, est devenu l'ambassadeur. Il parle de par le monde pour sensibiliser les gens. Il sera chez nous au mois de juin pour un séminaire. Mais le problème pour nous n'est pas d'avoir des mesures, mais d'avoir un combat qui soit soutenu. Souvent, nous faisons des choses, et ensuite on revient un peu à la normale.*

So, we have to have a steady approach, and the law is one aspect. The enforcement is the other side of the law, but we have to continue with the education. I have had a number of meetings with my colleague from the Ministry of Education. We will have to have an academy. I went to Singapore where you have a road safety park where children come regularly three or four times in a year to learn how to drive and to be a safe road user. It is a tall order, but I think that we can win the battle because, at the end of the day, it is a question of making our roads safer and saving lives.

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

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.

(5.09 p.m.)

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): *Madam Speaker, on this side of the House, on ne peut ne pas accueillir le projet de loi, parce que toute initiative qui pourrait entraîner une réduction dans le nombre d'accidents fatals est la bienvenue. Et si je peux m'exprimer ainsi, je vais résumer la situation : nous sommes en état d'urgence. Il n'y a pas un jour qui passe sans qu'on entende à la radio chaque matin qu'il y a un accident, one dead, - un, deux ou trois - et la situation est devenue vraiment très mauvaise.*

Madam Speaker, depuis deux ans, le gouvernement, le ministre ici à l'Assemblée ne parle que de cela, notamment nous informant des différentes campagnes et des différentes initiatives que son ministère et lui-même ont instituées : campagne de sensibilisation,

campagne à la radio, campagne publicitaire. Mais, malheureusement, nous avons aujourd'hui une situation qui se dégrade chaque jour, et nous sommes, comme je viens de le dire, dans une situation d'état d'urgence.

Madame la présidente, il serait bon de revenir un peu en arrière. L'Alliance Lepep - je ne fais pas de politique - avait fait un de ses principaux thèmes de campagne politisant la problématique des accidents de la route. C'est vrai ! Nous étions ici même, dans cette Assemblée, constatant les différents cas d'accidents où il y a eu des pertes de vie, et nous avons critiqué le ministre d'alors et fait des remarques. Moi-même, je me souviens, j'avais donné un *nickname*, 'Yamraj', à l'époque. Mais deux ans, Madame la présidente, se sont écoulés, et quel est le constat ? Qu'est-ce que l'Alliance Lepep avait promis dans son programme ? Revoir le système actuel du permis à point pour éliminer les injustices, les caméras pièges et les doubles pénalités dans le cadre de ses 12 priorités des trois premiers mois. C'était parmi les 12 priorités de ses trois premiers mois. Presque deux ans après, Madame la présidente, quel est le bilan de l'action du gouvernement ? D'autant plus, comme l'a affirmé le vice-Premier ministre samedi aux Casernes Centrales, lors du lancement du *Traffic Enforcement Squad* –

« La vie de chaque citoyen est inestimable pour le gouvernement. »

Je n'ai aucun doute sur les propos avancés, mais la réalité semble être tout autre.

Madame la présidente, c'est vraiment dommage *that the Minister comes with amendments at this very late hour*. On n'a pas eu le temps de les examiner. Je suis sûr que mes collègues auront l'occasion d'en prendre connaissance et de faire des commentaires. Madame la présidente, déjà 126 victimes de la route, sans compter les blessés et les autres victimes de handicaps à vie et le désespoir et la tristesse des centaines de familles. Ça c'est le constat.

Mais la première bourde du gouvernement a été, comme je l'ai dit, la politisation outrancière de cette question au début de leur mandat. S'il fallait certainement revoir certains aspects du mode opératoire du permis à points et des radars, il faut quand même reconnaître, Madame la présidente, que c'était un bon *deterrent*. Nous savions tous, lorsque le précédent gouvernement avait institué le permis à points, que c'était un *deterrent*. Peut-être qu'il y avait des amendements à faire, mais je crois que le gouvernement, au début de son mandat, a agi trop vite. Quelles sont les statistiques ? Je prends le *Crime Justice and Security Statistics, Year 2015* –

“*Road traffic contravention decreased by 8% from 224,855 in 2014 to 206,839 in 2015, mainly due to exceeding speed limit, which decreased from 96,872 to 39,395, and it is to be noted that the figure for 2015 is not strictly comparable to that of 2014, mainly due to the fact that speed cameras were inactive from 01 January 2015 to 05 September 2015.*”

Je crois qu’il faut noter qu’à un certain moment les *speed cameras* ont été *switched off*, même les radars, et c’était un laisser-aller. C’était une promesse électorale, mais finalement les résultats ont été négatifs.

Madame la présidente, moi-même j’étais ministre de l’Environnement et c’est vrai que nous avons une population ayant de mauvaises habitudes. Je prends un exemple. Les gens font du *littering* où ils veulent. A l’époque, nous avons créé la police de l’environnement. Il fallait une police de l’environnement pour agir. Je me souviens que lorsque j’étais maire d’une ville, le premier jour qu’on agissait contre les pollueurs en compagnie de la police et des inspecteurs municipaux, c’était très positif. Le lendemain, lorsque les inspecteurs municipaux étaient seuls sur la route, sans les policiers, deux inspecteurs ont été conduits à l’hôpital, parce que les gens ne respectent pas l’uniforme de l’inspecteur municipal. Les gens quand même respectent l’uniforme de la police.

Malheureusement, Madame la présidente, l’*enforcement* des lois, tous ceux qui sont sur la route, c’est les policiers, c’est le *Traffic Branch* ; il n’y a pas d’autres personnes qui agissent. Les *enforcement officers* sur la route sont les *Police Officers*. Pendant ces deux dernières années, nous avons eu un *Enforcement Agency* démoralisé, sans leadership. J’ai fait mention, lors du *question time*, à un moment où nous discutons du problème d’accidents de la route, *severe penalties*, la police va être responsable, plus de motards, d’un policier ivre sur sa motocyclette, avec son arme à feu et en uniforme, sur *Le Défi Média* de cette semaine. Quel exemple que la police donne à la population ! On va me dire que c’est personnel, mais la police reste la police, l’uniforme reste l’uniforme.

Aujourd’hui, c’est vrai qu’il y a une augmentation de motards. Moi-même, j’ai soulevé pas mal de questions sur les motards et les différents types de motocyclettes, etc. Mais, Madame la présidente, ce n’est pas seulement la quantité. Est-ce qu’il y a eu un *planning* ? Je suis un fin observateur sur la route, et je dis que depuis quelque temps - l’honorable Bodha avait initialement créé son *Enforcement Unit* - il y a une *duplication* au niveau de la police. Le *Traffic Department*, à l’époque, était une unité très professionnelle de

la police. Auparavant, lorsque vous voyiez un motard qui arrivait, on le respectait. C'est vrai qu'il y a eu un effort pour mettre des *Women Constables*, mais les gens ne respectent pas, et ce, parce que l'organisation du travail est mal faite. Très souvent, dans des endroits à risque, on ne voit pas ces motards. J'espère que maintenant, avec le nombre qui a sensiblement augmenté, le ministre va faire de sorte que le commissaire de police puisse réorganiser cette section. J'espère pas ce commissaire de police, mais un nouveau.

Madame la présidente, il y a un problème de leadership au sein de la police. Je ne vais pas revenir sur l'aspect 'Coin Idéal', sur la mort d'Hurreechurn en cellule, mais en tant qu'*Enforcement Agency*, nous avons une police sans leadership, et c'est la police qui va être l'*Enforcement Agency* pour faire appliquer toutes ces lois. Maintenant nous avons un *double standard* au niveau de la police. Je ne vais pas venir personnaliser. Il y a beaucoup, beaucoup, de cas, Madame la présidente. Nous sommes tous des députés, et nous l'avons constaté. Il y a un *double standard* au niveau de la police. Ça dépend de quelle connexion, ça dépend de quels parents, quel contact, mais la police doit être rigide, parce que nous jouons avec la vie des gens. Aujourd'hui, comme je l'ai dit, nous sommes dans un état d'urgence et il faut que la police agisse. Et si la police donne de mauvais exemples eux-mêmes ! L'exemple doit venir d'en haut, Madame la présidente !

On parle d'accidents de la route ! Je fais abstraction du Premier ministre. Est-ce que les motards des *VVIPs* se comportent bien sur la route ? Est-ce qu'ils ne sont pas eux-mêmes la cause des accidents ? Nous avons archi critiqué dans cette Chambre - et c'est *on record* - l'ancien gouvernement, l'ancien vice-Premier ministre. Mais les lois que nous sommes en train de faire approuver, ils en sont exemptés. Les voitures du gouvernement sont exemptées de vitesse ; cela aussi est mauvais. Ceux qui ont des voitures autorisées, qui sont conduites par les policiers ...

(Interruptions)

Ne dites pas non, *Attorney General*, ou *pou ale perdi point* ! Ne dites pas non ! Je sais ce que je suis en train de dire. Ne dites pas non, *taler ou pou ale noyer* !

(Interruptions)

Guet bien ki ou pé kozé !

Madame le présidente, ceux qui ont des voitures officielles - peut-être les ministres ne savent pas, certains sont de nouveaux ministres. Il ne reste pas beaucoup de temps...

(Interruptions)

Au moins ! Madame la présidente, ceux qui ont des voitures officielles du gouvernement qui sont conduites par les *Police Officers* sont exemptés par les radars ! Ils peuvent rouler à 200km/h.

(Interruptions)

Excusez-moi, Madame la présidente. Mais c'est mauvais ! Samedi dernier, j'ai failli me faire tuer. J'ai failli être victime d'un grave accident à cause d'un motard qui était le *rider* du seul ministre...

(Interruptions)

Je ne fais pas la politique dessus. Je le lui ai dit, Madame la présidente.

(Interruptions)

Mo pas pou dire nom ! Mo pas couma ou ! Pas met mwa dan ou niveau ! Tout le monde le sait. Qui est le seul ministre qui a un motard ? Donc, Madame la présidente, j'ai dit cela - pas sur le convoi du Premier ministre ; il faut saluer quand même les autres. Mais je dois dire quand même qu'ils en sont la cause des fois !

Madame la présidente, je ne vais pas personnaliser le débat, je parle de *double standard*. Est-ce que nous n'avons pas pris connaissance de la *PNQ* de l'honorable Leader de l'opposition du 05 avril concernant quelqu'un qui conduisait sur l'autoroute à Bois Marchand ? Ce n'est pas nécessaire pour moi de venir amplement en détail. Mais il faut donner l'exemple. Je ne sais pas ce qui est arrivé à l'enquête, mais le cas est *on record*. Un membre de l'Assemblée, Madame la présidente ! Alors, lorsque je parle de *double standard*, la police - je le dis avec expérience, par conviction - pratique une politique de *double standard*, à part des autres secteurs, mais au niveau du trafic. Il y a eu un accident sur l'autoroute où un motard a été tué. Dans beaucoup de cas, la police agit d'une certaine façon, *Guet enn lizié enn coté, guet enn lizié l'autre côté* ! Madame la présidente, ça c'est au niveau de la police.

L'honorable ministre a fait état des infrastructures routières. Allez voir l'état du M1 ! Aujourd'hui je parle des accidents de motocyclettes, ceux qui pratiquent l'*excess driving*. Avez-vous vu l'état du M1 ? Qu'on ne me dise pas qu'il y a des travaux de fouille sur M1 ou sur M2 ! Je l'ai dit à l'honorable ministre, la *RDA* est un fiasco total. Ils ne font pas de maintenance. Il y a des nids-de-poule sur les routes, les motocyclistes en savent quelque

chose. Cela peut occasionner des accidents. Les infrastructures routières ! Madame la présidente, l'honorable ministre a parlé de l'état de la chaussée, des chiens errants, etc. L'éclairage public est une des causes d'accidents sur l'autoroute. Heureusement il y a eu des actions positives grâce aux différentes questions parlementaires. Aujourd'hui, je peux dire...

(Interruptions)

Certains *backbenchers* eux-mêmes ont failli aller *dans caro cannes* !

Madame la présidente, la congestion routière est une source de stress pour les usagers, et finalement c'est la cause d'accidents. Je suis d'accord, Madame la présidente, qu'il y a eu une absence de culture sur les usagers de la route. C'est vrai ! Nous sommes une population de mauvaises habitudes. Les gens n'utilisent pas les passages piétons. Les motocyclistes font ce qu'ils veulent ! Mais, Madame la présidente, comme l'honorable ministre a dit, il faut professionnaliser l'enseignement de la sécurité routière dès le primaire. Les maîtres d'école ou les assistants ne sont pas formés pour ce travail. Malheureusement, ces temps-ci, il n'y a pas de coordination. C'est maintenant que l'honorable ministre est en train de dire qu'il faut avoir une coordination nationale avec le ministère, mais aussi au niveau du pré-primaire et du privé, Madame la présidente.

Madame la présidente, je ne vais pas venir sur le *sentencing* maintenant. Je vais le faire tout à l'heure. Aujourd'hui on a le ministère des Infrastructures publiques ; l'honorable ministre en est responsable. Nous avons aussi la *NTA*, le *Traffic Management and Safety Unit (TRMSU)*, et la *RDA*. Combien de fois avons-nous entendu, Madame la présidente - l'honorable ministre aussi en a fait état - d'une réorganisation du *Traffic Management and Safety Unit* ?

Madame la présidente, je peux dire que c'est un fiasco total depuis des années. *Coze boku, rezilta fail* ! Ça c'est le *TRMSU* ! Très souvent, on vient nous donner des réponses à l'effet qu'on va demander à la *TRMSU* de faire une étude là où il y a un problème de risque d'accident. L'honorable ministre doit venir dire à la population ce qu'il a fait pendant ces deux ans. Il faut revoir ce *TRMSU*. Peu de députés ont affaire avec le *TRMSU*. Dans le contexte de ce projet de loi, peut-être que l'honorable ministre va revoir cette section. Il en est temps ! Est-ce que cette section travaille avec la *RDA* en coordination avec les autorités locales ?

Madame la présidente, dans chaque municipalité, d'après le *Local Government Act* et les autres législations, nous avons un *Statutory Traffic Committee* qui est géré par le maire ou

son représentant, où on fait des réunions pour voir le problème de trafic, le problème de risque d'accident dans les limites de chaque ville ou des conseils des districts. Malheureusement, Madame la présidente, ce *Traffic Committee*, comme c'est prévu dans la loi, ne fonctionne pas du tout, ou bien les fonctionnaires refusent de venir dans ces comités. J'ai moi-même dû intervenir à plusieurs reprises au niveau des ministres pour que leurs représentants participent à ces comités. Étant donné que nous sommes des élus, nous recevons des doléances. Nous sommes sur le terrain et nous savons quels sont les endroits où il y a des risques d'accidents, quels sont ces *black spots*. Malheureusement, certains de ces fonctionnaires, pour eux, il n'y a que le ministre qui est le Dieu. Si le ministre ne donne pas des instructions, si ce n'est pas une municipalité de leur bord politique, il n'y a pas de *follow-up*.

Je fais un appel à l'honorable ministre dans le contexte de ce que nous sommes en train de voter, de revoir tous ces aspects de *Traffic Management Unit*.

Il y a un point que j'ai oublié de soulever, Madame la présidente, mais que nous avons plusieurs fois soulevé ici. C'est le problème du *road marking* qui tombe sous la responsabilité du *Traffic Management Unit*. Depuis des années - vous allez voir dans les procès-verbaux - que ce soit lors du budget, que ce soit lors des questions parlementaires, même sous l'ancien gouvernement, même depuis 2014, je me suis fait un devoir d'attirer l'attention de l'honorable ministre sur la qualité du *road marking*.

L'honorable ministre nous a informés qu'à un endroit on avait fait le *road marking*, mais qu'après deux jours ça avait disparu. Même sur l'autoroute, sans compter les routes secondaires ! Donc, il y a un problème réel au niveau du *road marking*. C'est le *road marking* qui attire l'attention des gens. Là aussi, l'honorable ministre aura à faire un suivi. Il ne faut pas oublier l'ameublement routier, les panneaux, les signes attirant l'attention des chauffeurs.

Madame la présidente, je vais dire quelques mots sur les amendes. Si aujourd'hui nous sommes devant ce projet de loi, c'est parce que pendant deux ans...

(Interruptions)

L'honorable ministre lui-même l'accepte ; c'est un aveu d'échec. Le nombre d'accidents a considérablement augmenté. L'honorable ministre a choisi la voie de la facilité. C'est bon ! C'est un peu comme la peine de mort pour les trafiquants de drogues. Il ne suffit pas d'augmenter les amendes pour gonfler les caisses de l'État pour se donner bonne conscience.

Madame la présidente, moi, personnellement, tout comme lorsque j'étais ministre de l'Environnement, on peut avoir sensibilisation, on peut prendre d'autres initiatives, il est temps d'utiliser le bâton. Moi, je suis pour les peines sévères dans les règles, dans les limites prescrites.

Madame la présidente, c'est mon opinion. En ce qui concerne ces quatre heures, une heure, nous avons eu beaucoup de cas où les gens se sauvent. Quelqu'un peut venir me dire : 'Bon, une heure !' Il y a quelques ajustements peut-être à faire sur le '*one hour*'. Je suis d'accord. Il ne faut pas qu'après quatre heures, *apre li vini, li sauver*. Pour le *one hour*, je suis d'accord.

Deuxièmement, sur les peines, Madame la présidente. Quelqu'un conduit sous l'influence de l'alcool et tue. Je ne suis pas d'accord que sa licence soit suspendue pour trois ans ou même cinq ans. Il faudrait supprimer la licence à vie. Je l'ai déjà dit. Ce n'est pas la première fois que je suis en train de le dire. Vous allez me dire qu'il y a des règles, mais la personne vient de tuer. Si c'est prouvé avec les enquêtes ; il y a beaucoup de cas où les gens, sous l'influence de l'alcool, montent sur les rondpoints et tuent. Même pendant le pèlerinage de Maha Shivaratri, il y a eu des gens qui conduisaient et tuaient. Ce sont des fous au volant. Moi, je ne crois pas aux trois ans pour la première fois ou pour la deuxième fois cinq ans. Non. C'est mon opinion. Il faut, dans certains cas, être plus rigide. Il faut donner l'exemple. Si le ministre veut réussir à réduire, passer d'autres projets de loi ici, discuter. Au lieu de faire de la propagande à la télévision, il faut sensibiliser les gens et dire : « Voilà, ce sont des amendes. » Il faut que les gens sachent : je suis en train de conduire sortant d'une réception totalement Bacchus avec le vin ou autre produit d'alcool et je suis responsable de la mort d'une ou deux personnes. Je suis *liable*, à part les autres amendes, à perdre ma licence. Je crois que pour que le ministre puisse réussir, il faut sensibiliser. Comme il y a dans certains pays, vous arrivez pour la drogue, c'est la peine de mort ou soit c'est à vie, mais il faut marteler à la population, surtout ces criminels, ces fous au volant, pour qu'ils puissent savoir : voilà, il y a telle et telle pénalité. A ce moment, ce ne sera pas peine perdue que d'utiliser des bâtons, et nous allons passer les amendes. En ce qui concerne la suspension, il y a toujours des risques d'abus et de corruption. Cela existe.

Madam Speaker, there are several initiatives which have been proposed by the United Nations to all members with regard to that aspect. *Madam Speaker, the United Nations* a décrété la décennie d'actions pour la sécurité routière 2011 à 2020, qui a pour but de

permettre d'atteindre l'objectif de sauver cinq millions de vie. Il a été recommandé à l'Assemblée générale d'inviter les États entre autres à –

- (a) aborder la question de la sécurité routière d'une façon globale ;
- (b) améliorer l'application de la législation distante et intensifier les actions de sensibilisation en vue de réduire le nombre de blessés et de morts ;
- (c) améliorer la qualité des données sur la sécurité routière ;
- (d) améliorer les soins pré-hospitaliers et les soins de traumatologie et de rééducation ;
- (e) améliorer les infrastructures ;
- (f) mobiliser les appuis politiques et financiers nécessaires à la réalisation des objectifs ;
- (g) observer la Journée mondiale du souvenir des victimes des accidents de la route chaque année. C'est le troisième dimanche de novembre et le 2 mars a même été proclamé la décennie 2011-2020, décennie d'actions pour la sécurité routière.

Je suis sûr que le ministre en sait quelque chose et que cela est dans son plan d'action et nous, nous allons surveiller à ce qu'il y ait des actions concrètes qui soient annoncées dans cette ligne qui a été préconisée par les Nations Unies.

Madame la présidente, nous allons voter. Je suis sûr que ce projet de loi va être voté. Il y a des légistes qui vont faire des propositions, des observations, mais le pays est en état d'urgence au niveau des cas d'accidents de la route, de pertes de vie. Il était temps d'agir. Le ministre a pris deux ans pour constater que toute la campagne de sensibilisation n'a pas fonctionné. Nous, nous allons suivre au niveau des statistiques. Nous allons faire un suivi des initiatives annoncées par le ministre dans son intervention, et nous serons ici. Comme je l'ai dit, il reste officiellement 30 mois pour ce gouvernement, et j'espère que pendant ces 30 mois, il sera toujours ministre des Infrastructures publiques. Je sais qu'il y a beaucoup de passagers sur le bus stop de l'autre côté pour prendre ce bus, mais je sais que le ministre ira à bon port et qu'il y aura moins de morts dans le pays. Le nombre de morts au niveau des accidents de la route va sensiblement diminuer.

Je vous remercie.

Madam Speaker: I will now ask the Deputy Speaker to take the Chair.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Hon. Fowdar!

(5.37 p.m.)

Mr S. Fowdar (Third Member for Grand’Baie & Poudre d’Or): Thank you, Mr Deputy Speaker, Sir. I have been waiting for this Bill to come since a long time. I think last week I had a question for the Minister, asking him when he is coming with this Bill. Last year, he promised that he would come with a very comprehensive Bill regarding road accident prevention, in particular the Road Traffic (Amendment) Bill.

Mr Deputy Speaker, Sir, I would say I am very happy with the Bill, but not extremely happy because I was expecting some more measures, which are not in the Bill. I would like to name some of them. The Minister announced earlier, with regard to other PQs he had to reply, that he is going to set up a sort of refresher courses. I think I have compared road traffic in Mauritius to Europe and to advanced countries, and I must say that we have got a lot to do. One of the things is where a driver is caught for dangerous driving, drink-drive or whatever, he is sanctioned, but before he comes back on the road, he has to go for a refresher course for driving, he must go back to school and then he must get a new licence, and that would be a very rigorous test that will be held for him. I think this is one of the other things. I know the Minister is not going to stop here with the amendments, but one of the more other things that he needs to come up with is bring this refresher course because some people are not bad, but by nature they are bad. You have to bring them back to school; you have to teach them in order they become a good driver.

Second one is when we go for a driving test, a lot of emphasis is made on how to drive, but there is less emphasis on what you should not do. We have to set this target within the driving test area and also the driving schools. I don’t know whether we have syllabus given to driving schools. Do we have? So, we have to include in the syllabus that they have to cover this area of what not to do. A lot of drivers don’t know what is dangerous driving. Now, we drive every day, we have seen people driving on the fast lane. They don’t know what is a fast lane. They should be on the left, but they are driving on the fast lane slowly, I mean, creating a sort of havoc within the other drivers. Drivers, driving with fog light, don’t even know. A lot of drivers have got low eyesight and, at night, they put their light on full light and that is another danger which the driving school must teach to the drivers.

Now, Mr Deputy Speaker, Sir, I am sure this morning, while coming to the Parliament, you must have seen somebody with a mobile phone while driving, and we see that almost every day. Several times, we see people with mobile phones and I know it is very difficult for the Police, but something has to be done.

Mr Deputy Speaker, Sir, I used to live in UK. Once I was on the mobile phone while driving, the driver next to me who was not a Police Officer signalled me: 'stop it, because you are endangering my life'. I insisted, he tried to stop me ahead and I was sure he could have reported me to the Police and I would have paid a fine or whatever. So, I don't know whether we can bring things like this to prevent people using mobile phones while driving.

Now, the other thing is that surprisingly - I have seen that on the Internet last month -, a woman in the UK was fined £145 for eating while driving! So, if she was eating a chocolate or a fruit or whatever, she was caught on the camera and she was fined £145 plus 4 penalty points on the licence. So, this also, hon. Minister, we need to think about bringing all these bits and pieces that could make our road safer.

One more thing which I remember having raised in this House last year, I have not seen it in the Bill and I was expecting this would come; all these speed cameras are useless for me because we all know by now where the speed cameras are and where to apply the brake and afterwards accelerate. We know that. It is only for a while and the speed camera is like dummy, it doesn't work for anything because you slow down when it comes to the camera and then you accelerate.

I raised the issue of using average speed check, which is used in Europe. Average speed check ensures that the driver drives slowly for a longer distance and that could be placed in dark spots around the country. Average speed check will test you on how fast you have been driving within a certain distance. You start from point A, you end at point C and they will check how fast you reached point C. If you have driven faster, you will be fined. Believe me, it is really scary when you see the average speed check in action; you will really drive slowly. Nobody is watching you, but the camera will watch you and you will have a ticket at home soon for driving more than the speed limit.

Mr Deputy Speaker, Sir, these are the points I would have wished to see in the future probably. We are two years along the mandate. So, maybe next year, that is, include these things that would make people more aware about how driving is important and they need to concentrate while driving.

Some other points I would like to raise, Mr Deputy Speaker, Sir, is that the hon. Minister earlier announced that motorcyclists are driving with learner's driver and some drive with the learner's driver for a lifetime! But what do we do? We need to do something here because these people have got no notion of dangerous driving, what is good or what is bad. They have not gone to any test. They have not seen any driving textbook or whatever. So, what we need to do is - I don't know how to do that - we have to do away with these learners' drivers for some time. Probably they can have a learner's driver for a year or six months, but then they need to have a permanent driving licence. And he rightly mentioned earlier that more than 40 per cent of the people who died out of the 200 or something were motorcyclists. So, it is really important, and motorcyclists are also dangerous for vehicle drivers, for cars.

I was speaking to one of the officers of the MPI while working on what I would raise in the House. I have seen in other countries and I will take examples from UK. Somebody killing a person, causing death while driving under the influence of alcohol or whatever would be jailed for 14 years! Why are we only having eight years? Why this hesitation? Why are we doing only eight years maximum whereas there it is 14 years? They have a reason for that, and probably the hon. Minister will come up with the explanation about this. But I am sure a tougher sentence would scare people to drive under the influence of alcohol.

Mr Deputy Speaker, Sir, I have gone through the Bill and there is one thing which I want to raise up here. If somebody refuses a breath test, he pays a fine of Rs25,000, but if he is drunk and he is caught drunk he is going to jail for six months. Am I right? For an offence of drink and drive, he will be sentenced for six months, whereas if he is not caught drunk because he has not given his breath test, then he will be saved by paying only Rs25,000. I think this is a loophole!

If I am drunk tomorrow, you catch me and I refuse to give my breath test, I will pay Rs25,000 or Rs50,000 or Rs75,000, but I will be spared from sitting in Melrose prison for six months! So, I think this is a loophole which we have to see how to curb down for those who refuse breath tests. In the UK, if you refuse to give your breath test, you go to jail for six months, and that would make things harder. I know many of our friends here, we usually have a drink and then we drive. That would scare us because going to jail for six months or eight years or 14 years will make people scared.

This is what I wanted to say, Mr Deputy Speaker, Sir. What I really want this country to have are not good drivers, but smart drivers. We need smart drivers. We want to have

drivers who could keep other people safe on the road and keep themselves safe. The amendment that is being brought today is good, but I would not say it is excellent.

Thank you, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: Hon. Mrs Selvon!

(5.48 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): Merci, M. le président, de m'accorder la parole. J'accueille favorablement ce projet d'amendement. Toutefois, il est insuffisant, parce qu'il devrait être accompagné non pas d'un système de détection du seul taux d'alcool mais d'un système de détection plus efficace tant pour l'alcool, une drogue légale, que pour les drogues illégales qui également causent l'*impaired driving*. Je vais faire des suggestions à l'honorable ministre pour lui donner l'occasion de renforcer ces amendements afin de sauver encore plus de vies.

On sait que les tests d'alcoolémie sont contestés, et même certains conducteurs arrivent à l'évader par des mensonges sur leur état de santé et d'autres prétextes en tous genres. J'ai trouvé que la solution existe à cette mauvaise foi et à des micmacs qui entravent le travail des policiers. La loi mauricienne reconnaît déjà la conduite sous l'influence de la drogue, mais elle doit être renforcée par des amendements plus conséquents que celui qui est devant nous du côté de la détection, afin de mieux justifier la punition. On doit adopter de nouvelles méthodes validées par la science et inculquées aux policiers de la route comme en Europe et aux Etats Unis, avec un processus de certification officiel approuvé par l'organisation internationale des chefs de police.

Je crois que le gouvernement à Maurice focalise son attention sur l'alcool et les tests d'alcoolémie et moins sur l'effet de la drogue sur les personnes au volant, surtout lorsqu'il y a la fièvre du samedi soir. Je suggère au ministre - c'est ce que j'ai d'ailleurs proposé dans mon témoignage devant la commission d'enquête sur la drogue – et je prends la liberté ici de citer la partie écrite de ce témoignage comme suit –

« Pour ce qui est du contrôle des abus de substances intoxicantes, drogue ou alcool sur les routes, il faut appliquer des tests éprouvés et acceptés par les autorités policières au niveau international notamment aux USA où on a validé scientifiquement les *Standardised Fields Sobriety Test (SFST)*. »

Au Canada, il y a des policiers détenant des certificats de spécialisation qui sont autorisés à soutenir avec leur observation devant les tribunaux des accusations *of impaired driving*. Au Canada, nous appelons ces tests comme suit : tests de sobriété normalisés sur le champ. Contrairement à ces grands pays spécialisés, y compris l'Europe, pour ce qui est du code de la route pour leurs grandes autoroutes, Maurice accuse un retard considérable, et il n'y a pas eu de réduction du nombre de morts sur nos routes. Je suis convaincue que bon nombre de conducteurs sont sous l'influence de la drogue, surtout au moment de certains accidents durant le week-end. J'ai remis à la commission d'enquête sur la drogue un papier de recherche sur des tests qui ont scientifiquement validé le *roadside testing* de sobriété par la police de la route. Je vais donner une explication de cette méthode qui devrait faire l'objet d'un amendement à l'amendement qui est devant nous.

The Deputy Speaker: Hon. Mrs Selvon, sorry to interrupt you. The proceedings of the Commission of Enquiry are held *in camera*. I do not personally think it is proper for you to speak of this here, though you are the author. Whatever you have said there, it is up to you to reveal further on this.

Mrs Selvon: Thank you, Mr Deputy Speaker, Sir. Pour rendre applicable l'observation faite au bord de la route et sur le champ, il faut que cette observation ait été validée par la science. Elle a été scientifiquement validée par le ministère de la Justice au Canada et tel est également le cas aux États-Unis. Je peux donner au ministre les références, mais il lui suffit de s'enquérir directement à la *National Highway Traffic Safety Administration* et la *Federal Motor Carrier Safety Administration* aux États-Unis et le *Departmental Justice* du Canada pour s'assurer de la grande fiabilité de ces tests, le *roadside observation* par des policiers dûment entraînés et certifiés. Mais ayant la documentation dans mes dossiers, je vais citer ici, M. le président, deux documents du département de la justice canadienne : le premier, avant l'introduction de nouveaux règlements est intitulé 'Conduite avec facultés affaiblies par les drogues', document de consultation qui explique ceci, qui intéressera, je crois, le ministre. Je cite -

« Une option consiste à créer une limite légale pour la consommation de drogues à l'instar de l'alcool à l'alinéa 253b du Code criminel. La plupart des États américains et des pays européens ne tentent pas de préciser une limite légale. »

Ce document ajoute ceci, et je cite -

« Toutefois, quelques-uns fixent une «limite zéro», mais le cannabis suscite beaucoup d'inquiétudes, par exemple, parce qu'une limite zéro excède le but qui consiste à sanctionner les conductrices ou les conducteurs dont les facultés sont affaiblis par cette substance. Dans le cas du cannabis, la présence de cette substance pourrait ne pas révéler une consommation récente et encore moins un affaiblissement des facultés. »

Le deuxième document du département de la justice du Canada est le règlement déjà en vigueur, intitulé 'Règlements sur l'Évaluation des Facultés de Conduite, Drogue et Alcool' qui fut signé en 2008 par le chef d'État du Canada, la Gouverneur général, Madame Michaëlle Jean, et que je résume ici. L'agent évaluateur doit être un expert en reconnaissance de drogues certifiés qui est agréé par l'Association internationale des chefs de Police. Les examens effectués et la procédure à suivre lors de l'évaluation prévue au Code criminel sont les suivants –

- (i) l'examen préliminaire consistant à prendre le pouls et à vérifier si les pupilles sont d'égale taille et si les deux yeux peuvent suivre également le déplacement d'un objet ;
- (ii) les examens des yeux suivant le test du nystagmus du regard horizontal et du regard vertical très courant pour détecter le mouvement rapide caractéristique de la perte de contrôle des facultés du conducteur ;
- (iii) l'examen de la capacité des yeux à converger,
- (iv) les examens d'attention qui sont divisés comme suit –
 - l'épreuve de Romberg liée à l'équilibre ;
 - le test visé à l'alinéa 2(b) de la loi consistant à marcher et à se retourner ;
 - le test visé à l'alinéa 2(c), soit se tenir sur un pied ;
 - l'examen consistant à prendre la tension artérielle, la température et le pouls, et j'en passe.

Je suggère aussi, M. le président, que le ministre améliore les lois pour impliquer les compagnies, les corps paraétatiques, tous les employeurs publics et privés dans une formation pour la sensibilisation et la responsabilisation des chauffeurs qu'ils emploient au risque de la conduite de véhicule sous influence de substances intoxicantes. Le cannabis ayant été ou devant être rendu légal dans un nombre croissant de grands pays, les lois continuent d'être renforcées, notamment au Canada et aux États-Unis, pour élargir la liste des substances

intoxicantes et du test rigoureux d'observation sur le champ et au bord de la route par des policiers détenteurs de certificats appropriés.

Je vous remercie, M. le président et je remercie tous les membres de cette Chambre pour leur attention.

(5.58 p.m.)

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivère): Mr Deputy Speaker, Sir, first I would like to congratulate the hon. Nando Bodha, Minister of Public Infrastructure and Land Transport for bringing the amendment of the Road Traffic Bill, which is very important due to the high increase of stupid accidents.

Mr Deputy Speaker, Sir, the link between alcohol and road accident is a well-known fact. Globally, more than one-third of the fatalities is due to road collisions involving drivers or riders who are under the influence of alcohol. An estimated 53.5 million litres of alcohol are consumed annually in Mauritius. Driving under the influence of alcohol constitutes almost 40% offence associated with consumption of liquor. It is not surprising that 5,648 persons were verbalised by police for driving in a state of inebriety between 01 January 2013 to 31 December 2015.

Considering that road accidents account for 140 fatalities and more than 3,300 injuries every year and, given that our fleet is growing by 5% every year, the present Road (Amendment No. 2) Bill is long overdue. It will certainly contribute to put a full stop to the hazardous behaviour of driving under influence of liquor, one of the leading causes of road collisions. Yet, it has to be accompanied with appropriate volume of alcohol testing. Please note that 200,000 alcohol tests were made in Hong Kong for an estimate of 750,000 strong fleet. In Mauritius, how many alcohol tests are made for 500,000 vehicles fleet?

As a matter of concern, it is to be noted that 30% pedestrians who died on our roads are found with high blood alcohol content. Hence, it is also important to find ways of discouraging pedestrians to walk while in inebriated state.

Besides alcohol, there are also the risks associated to driving or riding under the influence of drugs, which also alter drivers' senses and pose a risk to the road. It is to be noted that drug offence rate is 2.9 per 1,000 populations, a non-negligible figure. These people are also using the roads. Hence, it would be desirable if testing could also be implemented for drugs like marijuana and opiates, for instance.

To cater for safer roads, I will make the following suggestions, but before I do so, just as a Member of the House said, accident is accident. There is difference between conscious act of killing and unconscious act due to accident. The sentences cannot be the same.

Now I would like to make the following suggestions –

- probationary driving licence subjecting new drivers under restrictive scheme, which cultivates good behaviours, and to have a sticker affixed on both front and rear screen so that other drivers are aware that they have new drivers in front of them on the road. This also makes lots of accidents;
- unflinching maintenance of road infrastructure, that is, road markings, road signs and road barriers;
- multiplication of infrastructure destined to vulnerable road users who account for more than 77% of road accident victims. In Hong Kong, this measure, over the last two decades, has resulted in drastic decrease in rate of casualty;
- nonstop awareness campaigns.
- medical test for professional drivers. We have lots of professional drivers on our road every day who work late hours. They get tired and fell asleep while driving;
- long term reduction of powered two wheelers on our road,
- penalising jay walking. A lot of people just cross the road without using cross-here.

To resume, Mr Deputy Speaker, Sir, I wish that these amendments would help to decrease drastically the amount of road accidents in Mauritius.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Ramful!

(6.03 p.m)

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Mr Deputy Speaker, Sir, I will be very brief in my intervention. This Bill proposes two main sets of amendments. One relates to the increase in the penalties with regard to certain serious offences and the second empowers the Magistrate to temporarily or provisionally suspend the driving licence of someone who has been found to be driving with alcohol concentration exceeding the prescribed limit.

With regard to the first object, increasing the penalties, I don't want to make it a political debate. *Je ne veux pas politiser le débat.* But, then, it is good that I place on record that the Labour/PMSD Government was concerned about this problem; about the rise of the number of fatal road accidents occurring on our roads. The previous Government brought about the Penalty Point System. You will recall, Mr Deputy Speaker, Sir, the unjustified and baseless campaign that was brought against the imposition of the Penalty Point System. At the end of the day, the present Government scrapped the Penalty Point System, and we all know the consequences of their act. We have seen, in recent days, the remarkable increase in the number of fatal road accidents occurring every day on our roads. As well said by hon. Bhagwan, this is an *aveu d'échec*.

Now, the Government is coming up with new amendments to increase the penalties. I have no problem with increasing the penalties when it comes to reducing. At the end of the day, what we all want is to see a decrease in the number of road accidents happening on our roads. But, then, we have to see whether the amendments that are being proposed would meet the end result. I am saying this from a legalistic point of view. Being a lawyer, I have experience, and I am in a position to state the number of interpretation problems that are encountered by the courts while interpreting the provisions of this piece of legislation.

I am referring here in particular to clause 6, which brings an amendment to section 123G of the principal Act. Now, what we see? We see that what is being provided in this particular amendment empowers a Police Officer in uniform to require a person to provide a specimen of his breath for a breath test when that Police Officer reasonably suspects that the person is under the influence of alcohol whilst that person is riding a cycle on a road or any other public place; when that person is driving a motor vehicle on a road or any other public place; when that person is in charge of a motor vehicle; when that person is occupying the driving seat of a motor vehicle on a road or any other public place and attempting to put the motor vehicle in motion; when that person is occupying the front seat in a motor vehicle as a competent driver supervising a learner driver who is driving the motor vehicle on a road, and when on a road or any other public place, driving or attempting to drive a motor vehicle which is involved in a road accident.

I fail to understand the purport of that particular section, because when we look at the substantive law, namely section 123D, section 123E and section 123F, in those three sections, it makes it an offence for someone who is found to be driving a motor vehicle with a concentration of alcohol above the prescribed limit. It is an offence! When we look at those

sections, it is not an offence if you find someone riding a cycle with concentration of alcohol above the prescribed limit; if someone is occupying the driving seat of a motor vehicle on a road; if someone is occupying the front seat in a motor vehicle as a competent driver; if someone is attempting to drive after a road accident. It is not an offence. So, why empower a Police Officer to force someone driving a cycle to do a breath test, but then we don't make it an offence if he is found to be riding that cycle above the prescribed limit? I don't see the purport! There are two issues. Firstly, it does not make it an offence; therefore, it does not meet the end. What we are purporting to do is to reduce the number of people cycling or driving motor vehicles with concentration of alcohol above the prescribed limit.

Secondly, there is a constitutional issue. How can you force someone to provide a sample of his breath when it is not an offence in the law? I think there is a serious problem. There is no offence! It does not make it an offence at all. This is the first point with regard to clause 6.

I said I will be very brief and that I will be very technical. It is purely legalistic. The second issue is with regard to the temporary withdrawal of the driving licence. Now, you will recall, Mr Deputy Speaker, Sir, that previously, in 2016, there was an amendment to the Road Traffic Act. We had at that time provided for the provisional withdrawal of driving licence, but then this went on appeal before the Supreme Court in the case of Durocher and the Commissioner of Police in 2008. It was held that this provision was unconstitutional because that withdrawal of the licence was not subject to a judicial authority, i.e., at that time, the powers were given to a Police Officer not below the rank of a Superintendent of Police to withdraw someone's licence temporary. The Supreme Court held that this was unconstitutional because of the separation of powers between the Executive and the Judicial. This is what this amendment comes to correct. But there is a second issue. It was also said that you could only disqualify someone following a conviction. We have in our Constitution a very important constitutional provision. Someone accused of a criminal offence has got a right to silence. He is presumed to be innocent until he is proven guilty. Now, if that suspension of the driving licence amounts to a penalty before someone is convicted, then we have a serious constitutional problem.

There was a case before the European Court of Justice in 1999, that of Escoubet and Belgium. I will ask the hon. Minister to read that judgment. There, the European Court of Justice held that such a provision was not in breach of Article 6 of the European Convention because it was being applied as a preventive measure, which they were entitled to do. But I

don't know if in Belgium they have this provision which says, *noir sur blanc*, that someone who is convicted is presumed to be innocent until proven guilty. We'll have to check.

The Court in Durocher stated very clearly that, in view of our constitutional provisions, the case Escoubet and Belgium would not apply. The hon. Minister is a lawyer; he is well versed on these legal issues. I will invite him to look at those cases, those authorities, before we vote on this Bill.

There is another issue. We have to look at the loopholes. I am a lawyer; I can see the representatives of the Road Traffic Branch present in the Assembly today and *ils vont témoigner* that most of the cases on drink-driving are being quashed on appeal because of Police Officers not being well versed with the provisions of the law. The law has been written in such a complex manner that it is very difficult for Police Officers to interpret and apply the law, in particular when it comes to the rights of the accused party. Recently, there was the case of Jugessur and the State this year, where a Police Officer failed to inform an accused party of his rights. On that alone, the conviction was quashed. Well, we could not do anything against the accused. Maybe, we need to simplify the law, make it clear for Police Officers to know the law, to be more practical with the law, and to apply the law more efficiently. So, these would be what I had to say about this Bill, Mr Deputy Speaker, Sir.

Thank you.

The Deputy Speaker: Hon. Rutnah!

(6.16 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I will not deal with all sorts of causes of road accident and the psychology behind it. I will stick my intervention to the proposed amendment today in this House.

We have been trying since 1962 in this country, then in 1992, then in 2003, then in 2006 to enforce the law, to make it more stringent, to make it more difficult for people to drink-drive. In fact, it is also well before 1962, we had, by virtue of section 27 of the Road Traffic Ordinance which has a number 42A that criminalises drink-driving. Then, in 1992, for the first time, this House introduced offences relating to those who refuse to provide breath test, urine test, blood test, and penalty was increased if you fail to provide breath test, urine test and alcohol test.

Then, in 2003, we came with Act No. IX of 2003 and new offences were created. The new offence of causing death by careless driving under the influence of alcohol or drugs by virtue of section 123D, and if one was to be found guilty he was dealt with by an obligatory cancellation of licence and disqualification from driving for a minimum period of 2 years. There was also the creation by virtue of section 123, Offence of driving with alcohol concentration above the prescribed limit, which was considerably reduced in order to make it easier to catch people who drink-drive.

Then, by virtue of Act No. XIV of 2006, which provided for the immediate suspension of a driving licence and the disqualification of the licence holder from driving a motor vehicle immediately upon service of a notice by a Police not below the rank of Superintendent of Police in the case of a person charged with or suspected of –

- (a) an offence under section 123D;
- (b) an offence under section 123F, and
- (c) the offence of failing to a breath test under section 123G.

So, it has been quite a while that we are trying to strengthen the law, we are trying to be tough on crime and tough on the causes of crime. People drink-drive in this country and they think that they are like *l'homme à tout faire*, drive in a way to kill people on the road. It is one thing when you drink-drive and kill yourself, but when you drink-drive and kill innocent pedestrians, innocent road users, in particular children, then it is a problem to our society. Yes, I have well said! But, sometimes, there are drug users and drunkards who are not driving but get drunk to such an extent that they lose control and they cross the road in front of innocent drivers!

(Interruptions)

And, when they come and hit...

(Interruptions)

The Deputy Speaker: No interruptions, please!

Mr Rutnah:...the car of that innocent driver, then that is a problem to society as well. It is good for the Opposition to make comments in this House when I am on my feet, but we know what they are referring to and we know the case that they are referring to. Earlier on, from the Opposition side, we heard 'innocent until proven guilty'! But, when they are in this House, they forget the rule of the Constitution! No!

(Interruptions)

Now, coming back...

(Interruptions)

Let me come back!

(Interruptions)

Let me come back to the proposed amendments made by my very able and learned friend, hon. Minister Nando Bodha. Now...

(Interruptions)

Yes, but if the hon. Member provokes me, then he will get his reply!

(Interruptions)

The Deputy Speaker: No interruptions! Hon. Baloomoody! Hon. Baloomoody, no interruptions!

Mr Rutnah: Let me deal now one by one with all the amendments that have been proposed. If we look at the main Act, section 123B, true it is that for quite a while during the Labour Government we have been lenient on people who have been drunk driving. Of course, we have a mandate to ensure that people abide by the law of this country and if they don't abide by the law of this country, then they face what we call the full consequences of the law that we are going to pass today and that is going to be an increase in fine and an increase in imprisonment.

Earlier on, hon. Bhagwan said to put them in prison for a long time; *prison à vie*. No, we are not going to do that.

(Interruptions)

Disqualifier!

(Interruptions)

Sorry disqualify...

(Interruptions)

The Deputy Speaker: No interruptions, hon. Baloomoody!

Mr Rutnah: Disqualify, but no, we are not going to do that...

(Interruptions)

And I am glad that hon. Minister Bodha did not go to that extent. Why? Because, at the end of the day, he is a lawyer, he knows the principle of proportionality. He knows the principle that is enunciated in our Constitution of how to deal with people who commit crimes. So, that is why I am glad that lawyers on the other side of the House did not make those types of comments to eternally disqualify people because there are people who are in hardship cases. There are people who earn their livelihood by virtue of their employment as drivers, as taxi drivers, as lorry drivers, ambulance drivers and as all sorts of drivers.

At the same time, those who earn their living by virtue of their job as a driver should also be very careful when they are drinking and driving. They should think about their wife, their children and those whom they are responsible for. So, on one hand, the Minister has to carry out a balancing exercise because he represents the people of this country. He has to carry out a balancing exercise and he is right to do so. He is right to do what he has done.

Coming to section 123G, again, it has been repealed and replaced. There is an increase in penalties, in fines, in terms of imprisonment for the same reason that I had given earlier on. The most important section which hon. Ramful referred to - he is not here at the moment. I anticipate he will be back in the House very soon - is section 123G. Let me deal with that part where he concentrated his intervention in relation to section 123G. What we are saying in section 123G is as follows –

“(1) Subject to section 123K, a police officer in uniform may require a person to provide a specimen of his breath for a breath test, either at or near the place where the requirement is made or at the nearest police station where the test may be carried out, where the officer has reasonable cause to believe that the person is –

- (a) riding a cycle on a road or any other public place;
- (b) driving a motor vehicle on a road or any other public place;
- (c) subject to section 123E(3), in charge of a motor vehicle on a road or any other public place;
- (d) occupying the driving seat of a motor vehicle on a road or any other public place and attempting to put the motor vehicle in motion;
- (e) occupying the front seat (...)

But I will disagree with hon. Ramful if he says that it is perfectly okay for someone to be on a bicycle, completely drunk, out of control, and riding his bicycle on the highway. I think that assertion is completely out of order that that person cannot be dealt with by a law that exists in this country and the law that is coming by virtue of this amendment today.

Before in 2006, it is the Labour Government who had created the blunder by introducing an amendment, giving power to the Superintendent of Police to issue notice of disqualification and...

(Interruptions)

But it was a Labour Minister! The Supreme Court was absolutely right in the case of Durocher-Yvon to say that it was an act that usurps the function of the Judiciary. You cannot give the Executive such powers because that was an affront to the constitutional rights of our citizens. This is what hon. Minister Bodha, as an intelligent lawyer, is trying to correct...

(Interruptions)

by introducing this concept of summons, to come and show cause why on earth...

(Interruptions)

Ena du beurre!

(Interruptions)

The Deputy Speaker: Hon. Ameer Meea...

(Interruptions)

Hon. Ameer Meea, no interruptions!

(Interruptions)

No, reply to me! No interruptions!

(Interruptions)

Hon. Ameer Meea, you are interrupting this debate! Don't you dare reply to me!

(Interruptions)

Hon. Rutnah!

(Interruptions)

Hon. Ameer Meea...

(Interruptions)

Hon. Rutnah, this is a long debate. Please don't waste the time of the House!

Mr Rutnah: Mr Deputy Speaker, Sir, sometimes we have to say some riveting stuff in the House so that hon. Members are going to follow the debates. It cannot be dull all the time. Thankfully, when he made the remark about butter, I found some butter just around the corner there...

The Deputy Speaker: This is not related. Please speak on the amendment!

Mr Rutnah: Speaking about the amendment, of course, I will. Hon. Minister Bodha introduced this concept of summons for you, the drunkards; for you, the person who has breached the law to come and say why on earth the Magistrate is not going to actually disqualify you and it is not a temporary measure. It is not a temporary measure as said by my learned friend, hon. Ramful, because once you have been caught and the machine says you have, the Police are now empowered to go and make an application by virtue of a prescribed form before the Magistrate, in order to get that summons. Now, this time it's not a member of the Police Force, it is the judiciary. We have the full machinery of the judiciary involved in order to tackle people who think that they are going to drink-drive and they are going to kill people on the road.

(Interruptions)

Don't worry! What is going to happen eventually? People will know that this Government is sending the signal that if you continue to drink and drive, you will be faced with the consequences that this House is going to vote today.

Now, Mr Deputy Speaker, Sir, it is good to know also - hon. Ramful spoke about the constitutional rights of imposing an obligation on someone to provide breath tests.

(Interruptions)

The Deputy Speaker: No, interruptions! You will talk later, hon. Mohamed. Don't interrupt!

(Interruptions)

Hon. Ameer Meea and hon. Baloomoody especially are interrupting this debate. Had you wish to speak, you could have put your name and you would have spoken on that. This is not

for you to interrupt. I am only reminding you. Do not interrupt the debate! I am being serious on this, hon. Ameer Meea!

(Interruptions)

I am being very serious on this! Don't you test me!

(Interruptions)

Hon. Rutnah, please continue!

(Interruptions)

Hon. Ameer Meea, this is my last warning to you. I am repeating myself. Don't you test me!

Mr Rutnah: I knew the issue of Yvon-Durocher is going to be raised by someone in this House. That is why I have brought a copy of Durocher today, and listen to what the Judges said in the Supreme Court of this country –

“What the legislator has sought to do by the amendment of 2006 Act by the addition of section 102 (l)(a) and 123 (l)(b) is to give by the mechanism of a double deeming provision to a Police Officer, admittedly not below the rank of a Superintendent, the power to disqualify a licence holder.”

And it goes on -

But the operative part of it, that is, when the Judges took a dagger and stabbed this law when they say –

“And by providing for a penalty to impose by a Police Officer, section 123(l)(a) constitutes an usurpation of a judicial function and breaches the fundamental constitutional principle of separation of powers as authoritatively laid down by this Court in *Police v.s Khoyratty* and confirmed by the Judicial Committee of the Privy Council in the *State v.s Khoyratty* as stated in the court in *Noordally v.s Attorney General*.”

(Interruptions)

The Deputy Speaker: No interruptions!

Mr Rutnah: Now, you can't say that it is the Commissioner of Police or the Superintendent of Police. It's a Magistrate and it will be done properly. But if you think you haven't done anything wrong by drinking and taking the wheel of your vehicle, then come

and show the cause why the Magistrate is not going to make the order. And what is important here is that it's not on the standard of proof like in a criminal case because these kinds of actions are quasi criminal actions and the standard of proof is going to be on balance of probabilities. It can't be on reasonable doubt.

(Interruptions)

If you have hardship or if you are relying to earn your living as a driver, then you will be able to go and show cause.

On a final note, I see that provisions in the law have now been made in relation to foreigners. Now, there are many foreigners who come to Mauritius. They also think that Mauritius is a place where they can commit all sorts of crimes and run away, especially road traffic offences. There are many foreigners who drink and drive, commit accidents on the road and eventually nothing happens to them. I will urge upon the hon. Minister at some point to look into the law in relation to drivers who come here from foreign countries and drive really like - if I could say - complete drunk. I know that there is a provision in the Act in relation to those holding an international driving licence. It's at page 6, in particular at section 5(a). Section 5(a) makes provision for provisional driving licence or international driving permit, but there are many countries from where they come from where they don't require an international driving permit to drive in Mauritius. For example, someone who drives in England, France or South Africa doesn't need to have an international driving permit. Perhaps this is a matter that could be looked into at a later stage, but suffice to say that, for the moment, the way the law has been presented today insofar as this amendment is concerned, it's good, and I will urge upon all Members of this House to support the amendment and to congratulate the Minister for bringing this amendment.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Jhuboo!

(6.38 p.m.)

Mr E. Jhuboo (Third Member for Savanne & Black River): Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to comment on the proposed amendments to this Bill, and I shall be very brief.

Mr Deputy Speaker, Sir, on 24 April 2015, the hon. Minister Bodha, started his speech by making reference to the *permis à points*, and I quote –

“The system, which was qualified by the previous Prime Minister, as “a landmark in the history of road safety in Mauritius”, in fact, marked history as the most repressive road safety measure implemented so far in the country.”

In the same breath, the hon. Minister added –

“(…) that this Government has very much at heart the safety of our road users and is also conscious of the fact that the severity of sanctions for road traffic offences is directly proportional to the level of compliance.”

Now, I must say, Mr Deputy Speaker, Sir, that I have no quarrel. There is consensus on the issue of security. The life of our citizens is above politics and non-polemical, but *force est de constater qu’aux grands maux le ministre a décidé d’appliquer les grands remèdes*, and that these new amendments are actually very repressive ones. But having said that, Mr Deputy Speaker, Sir, I think we should have been provided with some more figures, some more data and some more information on the issue that we are dealing with today, *principalement l’alcool au volant*.

In his speech, on 24 April 2015, the hon. Minister also made reference to the following measures that he wanted to introduce –

- (i) the Intensive Traffic Offenders Rehabilitation Program, which primary objective was to help the chronic road offenders;
- (ii) to create awareness on their driving behaviour through education rather than punishment;
- (iii) on social responsibility;
- (iv) on recidivism, and
- (v) on rehabilitation therapies.

The hon. Minister also spoke on what he calls a worldwide phenomenon whereby road accidents disproportionately affect the motorcyclists and the pedestrians. But, unfortunately, it is only about a week ago that the hon. Minister has launched the *moto-école* programme. Mention also was made of the decentralisation programme for the driving examination centres.

Bref, il y a eu beaucoup de bonne volonté, beaucoup de bonnes intentions, force est de constater que les résultats peinent à aboutir. D’après *Statistics Mauritius*, le nombre

d'accidents fatals a augmenté en 2015 de 8.8%; en 2016 de 6%. Le ministre s'est engagé dans cette grande réforme en avril 2015. Elle était nécessaire. Mais un an et demi après, quel est le bilan de cette réforme ? Combien de vies ont été sauvées ? La question qui mérite d'être posée est la suivante : quelle est la meilleure méthode ? Quelle est celle qui est la plus efficace ? Quelle est celle qui donne de meilleurs résultats indépendamment de toute votre considération ?

En effet, M. le président, il ne faut pas réinventer la route même si on peut le déplorer, ne pas être d'accord philosophiquement. La répression paie plus en matière de sécurité routière que la prévention. Un exemple concret, en France, le nombre de morts est passé de 17,000 en 1970 à 3,000 de nos jours, c'est-à-dire 45 morts pour chaque million d'habitants. Nous en sommes aujourd'hui à peu près à 100 morts, c'est-à-dire un peu moins du triple. Comment y sont-ils arrivés ? Il y a quatre mesures -

- obligation de boucler la ceinture de sécurité et le port du casque,
- la limitation de vitesse en 1974,
- la lutte contre l'alcoolémie en 1983, et
- l'instauration du permis à points en 1995.

Toutes ces mesures ont été suivies d'une baisse significative de l'insécurité routière.

Afin de baisser de manière significative le nombre de morts, l'honorable ministre a donc décidé de s'attaquer à l'alcool au volant, alors que ce dernier ne contribue qu'à presque 22% des morts sur nos routes. Afin de réussir ce pari, il faut réinventer la lutte contre l'alcoolémie et la vitesse. Il faut punir, prévenir, mais aussi cibler. Les statistiques de l'insécurité routière mettent en exergue tous les facteurs les plus accentogènes. L'alcool est parmi, chez nous, responsable de près d'un mort sur trois. C'est parmi les premières causes de mortalité routière.

Les campagnes de sensibilisation se multiplient mais sont-elles encore suffisamment efficaces, car le message semble se banaliser? Et malgré toutes les mises en garde, les causes persistent. La lutte contre l'insécurité routière cherche donc un deuxième souffle, d'où l'importance des statistiques, encore une fois, qui permettent d'identifier les pistes sur lesquelles les actions de prévention doivent se concentrer. Si la majorité des accidents corporels ont lieu en agglomération, ils ne sont responsables qu'un très faible nombre de tués. C'est donc hors agglomération, là où les vitesses sont les plus élevées que la mortalité est la

plus grande, notamment pour les motocyclistes, 39% des tués ; les passagers, 25%; les piétons, 17%; les chauffeurs, 14%, et les cyclistes 5%.

La lutte contre l'alcool au volant doit se réinventer, notamment auprès des jeunes. Elle intervient en 40% des cas chez les 18-24 ans. La réduction à zéro du taux d'alcool autorisé pour les conducteurs de cette tranche devrait être à l'étude. Reste à savoir si cette interdiction peut être radicale ou efficace. Le vrai défi consiste à faire appliquer la loi telle qu'elle existe aujourd'hui, d'où la multiplication de contrôle de police ciblé à chaque discothèque hors agglomération les week-ends et jours fériés dans les stations balnéaires, que ce soit dans le nord et l'ouest de l'île. Les campagnes de prudence doivent se multiplier car c'est bien la sensibilisation des jeunes au danger de l'alcool au volant qui doit progresser. Il faut structurer la prévention routière à l'école. Il faut renforcer la sensibilisation des jeunes en milieu scolaire jusque dans les programmes. Il faut développer, en fonction de l'âge, une culture de la sécurité routière. S'agissant de sécurité, cette sensibilisation trouverait sa place aussi dans le cadre de l'instruction civique. Bien sûr, la prévention routière développe déjà des actions tant auprès des enfants que des enseignants. Mais elles sont ponctuelles et sont insuffisantes, car rien ne pourra remplacer, dans la lutte contre l'insécurité routière, le changement de comportement, ce qui se forge dès l'enfance et l'adolescence.

Donc, je le redis, M. le président, punir, être plus sévère afin d'inculquer un sens de la discipline, du respect, de la responsabilisation est malheureusement la solution. Passer par des peines plus dures, augmenter les amendes, emprisonner de trois à cinq ans, détenir pour la nuit ceux qui sont récalcitrants, emprisonner ceux qui sont positifs, en bref durcir, c'est bien. Mais cela va de pair avec un ciblage, de la prévention, de la conscientisation. L'un ne marchera pas sans l'autre.

Je profite aussi l'occasion pour saluer la mise en place de la *Traffic Enforcement Squad*, en espérant qu'elle aura les effets escomptés.

Je vous remercie, M. le président.

The Deputy Speaker: Hon. Léopold!

(6.46 p.m)

Mr J. Léopold (Second Member for Rodrigues): Thank you, Mr Deputy Speaker, Sir. I rise tonight to speak about this Road Traffic (Amendment No. 2) Bill, and the OPR Party and both hon. Francisco François and I support what is before us tonight. Why do we

support this Bill? It is for the very obvious reason that this piece of legislation will protect all vulnerable road users.

Although the piece of legislation which we are debating tonight concerns mainly increasing penalties to serious offences and to empower Magistrate to immediately disqualify drivers with alcohol concentration in their breath and blood exceeding the prescribed limit, as I have stated, the intention is to improve our road safety situation and to curb the ascending trend of fatal accidents on our roads. Therefore, it is relevant that we continue with necessary enforcement and regulatory powers to make sure that our roads are safe. But the enhancement of drivers' competency is of great importance.

Safe driving behaviour is skilful. Controlling a vehicle on the road does make one a good driver. A good driver is one who is able to develop skills to safe driving culture. Therefore, enforcement alone is not sufficient. A motorist must possess necessary skills to drive safely and exhibits proper behaviour on our roads.

While we are talking about dangerous driving here as a serious offence and the severity of penalties while driving under influence and damages it may cause, the best way to prevent someone from driving drunk is as easy as to make a plan for a sober designated driver. It is common knowledge that drinking and driving is a crime with serious penalties. Yet, every time we hear people who are fatally injured in a motor vehicle accident that involve a drink-driver. Therefore, to avoid such tragedy to happen, and here I am personally addressing to the young of the whole Republic of Mauritius who have life full ahead of them, if you have been out drinking and need to get back home, catch a taxi - simple as that! - or find a designated driver.

Since alcohol impairs judgement and reasoning, it is imperative that you come up with plan in regard to how to get back home after you have been drinking alcohol. I believe that it is due to shocking statistics that stricter law and penalties like the one we are debating tonight come into force.

Talking about statistics, enforcement of tougher laws and penalties have proven to be effective in preventing drinking and driving in Rodrigues. But, despite preventive measures, we do still have people who break the laws and continue to drive while under influence. Not far from last weekend, there was a road traffic collision involving a SUV and a motorcycle in Rodrigues. The drunken driver of the SUV had hit a guy of just 18 years and the young guy

has sustained serious injury onto his left knee, thereby altering, all of a sudden, the quality of life of this young person and causing uncertainty of his future life.

Although in Rodrigues there has been a decrease of 60% in fatal road accidents caused by driving under the influence of alcohol in 2015, however, compared to the year 2015, there is an increased tendency of drivers driving under the influence of alcohol in 2016. That figure is probably due to the new recruitment of Police Officers, the Police services in Rodrigues are more manned, and monitoring is more now. But, nonetheless, it is a serious matter to be taken into consideration.

In Rodrigues, in 2015, out of 127 road traffic accidents, 54 were considered as serious and, out of that 127, 47 were tested positive to alcohol above the prescribed amount, out of which there were five fatal. In 2016 to date, there have been 140 cases of road traffic accidents reported, 43 considered serious and, out of that 140, 65 were directly linked to consumption of alcohol above legal limits, and two deaths were confirmed to happen in 2016. The last figure also shows that 37 drivers are disqualified from driving under influence as at date.

Therefore, despite tougher laws and penalties and satisfactory enforcement of laws by the Police, we still need to focus on preventive measures to eliminate drink-driving in Rodrigues. We do have a non-governmental organisation, a NGO under the name of Road Riders Association, with its striking phrase '*boire plus conduire egal souffrance famille*'. With this slogan, I confirm that I have seen a lot of pain and suffering by families of victims of road traffic collision caused by drunk driving. I am, therefore, for tougher penalties for those who do not respect the law with regard to driving under influence. The laws need to go further ahead in penalties. I am talking here of the Empowerment and Immobilisation Scheme needed to look at the increased trend of accidents in the Republic of Mauritius. The sanction must be effective and severe to deter dangerous drivers and protect the community.

The laws need to give the power to seize cars and motorbikes used to commit certain offences, to thwart people who drive on our roads like hoon. Police also need to be better equipped with state-of-the-art technological devices in order to check details of vehicles and drivers in the shortest delay of time and the possibility of a Magistrate - if that makes sense - to be working with Police on the site of offence where fine and prosecution may be done on site.

Drinking and driving, to my opinion, are not the same. A drunken driver is someone who drives a vehicle when he has consumed alcohol exceeding the legal limit and this person has no issue with alcohol consumption. But drinking and driving is something else. Here, the person has a serious with consumption of alcohol, excessive consumption, and he may be also suffering from alcoholism. How are we going to tackle such situation? Giving alone penalty to those people would not help, and they are the ones who are most likely to reoffend.

With this problematic, we will need to come with rehabilitation counter measures before giving the person the chance to drive again. The goal of rehabilitation is certainly important here and will prevent them from recidivism by receiving rehabilitation treatment that will allow drivers to eliminate abusive drinking habits and driving. It is, therefore, Mr Deputy Speaker, Sir, important that offenders are not discouraged for seeking treatment and are able to separate the drinking and driving behaviour. On this note, I thank you for your kind attention.

The Deputy Speaker: Hon. Dr. Sorefan!

(6.57 p.m.)

Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix): Thank you, Mr Deputy Speaker, Sir. I won't go in the past, but I will learn from the past, and I think the hon. Minister has taken the past to go and forge forward with this amendment so as to minimise fatalities on our roads. I am not saying eliminate fatalities. It is impossible because it is on human being. It is a lot of human nature, the way they drive, the pedestrians, and the way they use our infrastructure.

Mr Deputy Speaker, Sir, I welcome this piece of amendment to our existing law. I said 'piece of amendment' because to me amendments do come in piece because we cannot forecast the future so easily. That's why we come in piece.

As it is said –

“The main object of this Bill is to amend the Road Traffic Act so as to –

(a) increase the penalties for certain serious offences;”

And the second objective is to –

“(b) empower a Magistrate to immediately order a person to be disqualified from driving a motor vehicle for a period not exceeding 2 months or from holding or obtaining a licence in Mauritius for a period not exceeding 6 months where

that person is found to be driving a motor vehicle with alcohol concentration exceeding the prescribed limit.”

Mr Deputy Speaker, Sir, regarding increased penalties, the question that I ask myself is: does increasing penalties, as is mentioned in most sections to be amended today, will really deter drivers from committing serious offences?

Mr Deputy Speaker, Sir, let us consider section 123B. Mention is made that three years have been replaced by five years. For the second or subsequent conviction, fine goes up to Rs75,000 and not more than Rs100,000, 12 months' imprisonment not more than 8 years. So, it is for section 123B. Mr Deputy Speaker, Sir, I am not convinced that increasing penalties will really deter drivers from committing serious offences, because financial payment is so easy these days, but increasing imprisonment will make drivers think twice or thrice.

In section 123D, for the first offence causing death by careless driving when under the influence of intoxicating drinks or drugs, Mr Deputy Speaker, Sir, for the first offence, killing one person, the driver goes to jail for 3 years, paying a fine between Rs25,000 to Rs50,000 and, on a second and subsequent offence, that is, killing a second person and subsequent killing of another one, one pays a fine of Rs75,000 to Rs100,000 and goes to jail for not less than 12 months nor more than 8 years. I am of the opinion that just after killing one person, that is, the first offence, the driver should be penalised heavily. Why wait for a second killing or subsequent killing to act with further imprisonment?

Mr Deputy Speaker, Sir, when we mentioned under the influence of drugs, we said alcohol, intoxicating drinks and drugs. Mr Deputy Speaker, Sir, do we really have the means to know and measure which drugs the drivers have consumed? I think it is very difficult in Mauritius and hon. Mrs Selvon has mentioned a list of them in Canada, but in Mauritius, it is very minimal. Say, for example, nowadays we have synthetic drugs. Can the Police Officers have the means to identify those drugs? It is very difficult although it is in our law, in the amendment it is mentioned drugs.

The actual law and the proposed amendment are very silent with regard to drugs as opposed to alcohol. Today we are talking mainly of alcohol. Mr Deputy Speaker, Sir, in these proposed amendments we are talking only about causing death by dangerous and careless driving. There is no mention, Mr Deputy Speaker, Sir, about causing serious injury by dangerous driving or careless or inconsiderate driving.

Mr Deputy Speaker, Sir, what differences are there between drink and drive and killing people in Mauritius compared to those who drink and drive and killing people in UK, Australia or Europe? To me there is no difference. It is the same. People are killed by a drunkard who is driving. The only difference, Mr Deputy Speaker, Sir, is the way we inflict fines and imprisonment in Mauritius compared to foreign countries. How come, for example, in UK for causing death by dangerous driving, the maximum penalty is 14 years and here we are talking for about 5 to 8 years? On top of that, the penalty is 14 years and/or an unlimited fine, they don't say Rs75,000 or Rs100,000, but unlimited fines, obligatory disqualification for a minimum of two years and obligatory endorsement of the driver's licence. They have penalty points there.

The offence, Mr Deputy Speaker, Sir, we must not forget, is also manslaughter, we are killing people, for which maximum penalty is life imprisonment although manslaughter will normally be charged in a very serious case. What makes us so different with other countries? Why not inflict penalties to the maximum instead of what we are doing here today, Mr Deputy Speaker, Sir? Only increasing fines and imprisonment by twice of what we have in our original law!

Mr Deputy Speaker, Sir, if what we are amending today and in a few years proves not to be efficient or effective to deter drivers from committing serious offences, are we coming back to this House for further amendments? Mr Deputy Speaker, Sir, our aim is to ensure that penalty matches the offence and that those who drive very badly and under the influence of intoxicating drinks and drugs should be properly penalised.

We must not forget that bad driving resulting in death or injury has devastating consequences for victims, their families and friends. It is important that justice is seen to be done in cases where this happens. In UK, lengthily custodial sentences are recommended for cases involving prolonged, persistent and deliberate bad driving or where drivers are intoxicated or under the influence of drugs. Mr Deputy Speaker, Sir, in UK, the use of mobile phone is also treated robustly. We must not take it as if mobile phone is something that does not help drivers to kill; it is equal to alcohol. In UK, clear advice on driving bans is given. Magistrates and judges are reminded that disqualifications are effective from the day that they are imposed and will only be of practical effect if they extend beyond the period that they will be served in person. I am not aware whether we have guidelines to the Court for driving offences resulting from death. If we don't have one, we should consider introducing

one, taking into consideration lengthy custodial sentences, the use of mobile phone, clear advice on driving ban and any others.

Mr Deputy Speaker, Sir, since we are talking about offences, the Government should come with new offences. For example, causing death by driving while unlicensed, disqualified or uninsured - I know this is mentioned very briefly, but to come very seriously on this. The second one is causing serious injury by dangerous driving. Here, in this amendment, we are not talking about serious injuries, but we are talking only about death.

To conclude, Mr Deputy Speaker, Sir, driving offences can have devastating consequences for victims and their loved ones, which is why tougher sentences should be considered by the Court through our laws and guidelines. One death in a family is 100 per cent loss and not just one number added to the yearly list of deaths through accidents.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Abbas Mamode!

(7.09 p.m.)

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. The idea of this Road Traffic (Amendment No.2) Bill that will be introduced is not to win any prize. The only idea is to save the lives of at least about 200 people killed in road accidents every year. This achievement will be a great success.

Since the beginning of the year, not a single week goes by without the country witnessing a fatal road accident. The phenomena have become a real societal scourge. Despite the introduction and announcement of palliative measures, the number of road accidents and road victims continue to rise. *Mais il faut être vraiment démagogue pour ne pas voir les efforts que ce gouvernement est en train de faire, amélioration de l'état des routes, amélioration de réseaux de lumières sur l'autoroute et beaucoup d'autres réalisations.*

Coupled with the above point, Government has come up with the Amendment Bill which acts as a deterrent and will make drivers be more responsible, more careful on the road and take the necessary precaution. However, I can understand that the liberty and right of an individual is important, but nevertheless, the goal of this Bill is to ensure safety and security of every citizen that we have duties towards them.

According to road accident statistics which show –

- *le nombre de morts sur nos routes depuis janvier - 122 ;*
- *le nombre d'accidents fatals -108 ;*
- *piétons : hommes tués - 31, et femmes tuées - 7.*

Total economic loss in Mauritius due to road accidents is Rs6 billion annually. Road crashes create a considerable financial and economic cost as well as impacting on people's lives. L'exemple doit toujours venir d'en haut. Depuis mon très jeune âge, je détiens un permis de conduire et jusqu'à maintenant, par la grâce de Dieu, je n'ai jamais été impliqué dans un accident fatal. This can be checked in any O.B., in any police station.

(Interruptions)

Je fais un pressant appel au commissaire de police et aux responsables du *Traffic Department* d'être plus sévères envers les membres de la force policière, envers les brebis galeuses qui ne font pas honneur à la force policière et au maintien de l'ordre.

Several factors that influence the causes of road accidents are as follows –

- distracted driving;
- talking on the cell phone;
- sending text message;
- eating while driving;
- argument;
- loud chatting;
- careless pedestrian under the influence of alcohol;
- not using pedestrian crossing, and
- crossing barriers on motorways.

This carelessness is seen everywhere today. Pedestrians are always in a hurry. *Il y a des cas où les piétons provoquent des accidents sous l'influence de l'alcool et de la drogue, et souvent ils sont eux-mêmes les victimes. Avec un peu de bon sens, cela aurait pu être évité.*

Speeding, not caring for speed limit, illegal car rallies mainly by youngsters, drug driving, drinking make you lose focus and not to function properly. It has been proved that one loses his basic faculties when under the influence of drugs and alcohol. So, it is of utmost importance that a drunk driver be kept in custody for his own safety and the safety of others. Running red lights - despite sensitisation campaigns, we still see drivers *qui brûlent les feux rouges* even to be halted a few metres. Drivers speed up when they approach a yellow light.

People excuse to this: being in a hurry. Why hurry? We must adopt the early departure system and reach safely.

Factors influencing the impact of road accidents: damage to the vehicle, tangible costs, repair, medical treatment, insurance, pain and suffering, hospitalisation, handicap and even death. What more the trauma to the victim and their dear ones. In line with the new amendment Bill, prevention strategies and policies need to be implemented in order to address this phenomenon.

Safety awareness is considered to be a major factor where it should begin from childhood as it is difficult to impact awareness to grown up human. If safety is important at childhood, safety will become a habit. Why not re-introduce the concept of children traffic playground as in the past and enlist the help of NGOs; *et là, les mairies et les autorités locales peuvent aider.*

To conclude, Mr Deputy Speaker, Sir, I would like to express my gratitude and appreciation to the hon. Minister, Mr Nando Bodha, for having introduced this amendment Bill for the betterment of society as a whole.

Thank you, Mr Deputy Speaker, Sir.

(7.15 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Mr Deputy Speaker, Sir, much has already been said on this piece of legislation, but I wish to make a few points to the present Bill which is being introduced to the House.

I will not go back on what has already been said before me, but we all know, Mr Deputy Speaker, Sir, the economic cost of society because of road accidents. We do not have to repeat again on the amount of human tragedy, the lost lives, the tragedy in families due to human behaviour, which constitute, in fact, the main factor contributing to the countless number of accidents including the fatal ones. Drink-driving, excessive speed, talking over the phone, driving dangerously, failing to wear the seat belt, non-respect of traffic signs and so on are all characteristics of human misbehaviour. When we look at the figures which have been abundantly provided to us today, Mr Deputy Speaker, Sir, our roads have become *les tombeaux*, the corridors of death owing to the recklessness, the imprudence and the carelessness of our drivers.

Mr Deputy Speaker, Sir, I have spent sufficiently a long time in his House and I am a lawyer by profession and very often I have been in court regarding accident cases. We all have our philosophy about the role of repression in curbing criminal actions in a society. I must say that generally I am against repression or repressive measures as far as criminal cases are concerned, but I make a difference when I come to road accidents, safety on our roads and the role of careless drivers. I think in that field we have no choice, unfortunately, although as I said, I do not generally believe in repression. I am against, for example, death penalty. I have spoken one hour in this House in 1995 on the laws passed in those days.

Mr Deputy Speaker, Sir, I repeat. I think, in the field of road accidents, la *sécurité routière*, especially when we see what is happening in our country today, unfortunately, that we have no choice but to adopt more repressive measures, more hard sanctions in terms of punishment.

So, this is why, when coming to this Bill, I have to express certain reservations. I think that we have not gone far enough in this Bill. I think we have been too timid, too lukewarm. I will give a few examples, Mr Deputy Speaker, Sir. In other words, I mean, we have not gone far enough in terms of hardening the penalties. Let us take, for example, clause 5, Mr Deputy Speaker, Sir, which is amending section 123D of the principal Act. The offence is causing death by careless driving when under the influence of intoxicating drink or drugs. So, this is a case of causing death, Mr Deputy Speaker, Sir.

Section 123D, we are amending this section in our law. The point has been made, but I will approach this issue differently. We are amending the section in the present Road Traffic Act by deleting the words '3 years' and replacing them by the words '5 years' so that now, the law will read as follows -

“if a person causes the death of another person by driving a motor vehicle on the road and he shall commit an offence and be liable to a fine of not less than Rs25,000, not more than Rs50,000 and to imprisonment for a term not exceeding 3 years”.

This is the case of causing death. If a person causes the death of another person, the law, therefore, was imposing a minimum of Rs25,000 and a maximum of Rs50,000 and to imprisonment not exceeding three years. We are, today, proudly replacing the '3 years' by '5 years'. To me, Mr Deputy Speaker, Sir, this is not enough.

Although we are inserting another new subsection 1 (a) in the case of a second or subsequent conviction, now the offender will be liable to a fine of not less than Rs75,000 and

not more than Rs100,000 and to imprisonment for a minimum of 12 months and a maximum of 8 years. I say that because we know, Mr Deputy Speaker, Sir, ‘and’ means ‘or’, that is, at his first offence, the offender is liable to be inflicted with the punishment of only a fine. ‘And’ means ‘or’, it does not mean ‘together with’ as we know. And what is more illogical is that when we go down in other sections of our law, we see that there are other offences which are not offences of causing death, for example section 123E, when you are driving or in charge of a motor vehicle under the influence of intoxicating drinks or drugs. In the case of a second offence, the offender shall be liable to a fine of not less than Rs20,000 and not more than Rs50,000 together with imprisonment. That is, imprisonment is mandatory at the second offence when you are driving or in charge of a motor vehicle when you are under the influence of drugs, but this is not the case in the other sections which I have just referred to; when a drunken driver has caused death by careless driving.

Further down, there is another section, that is driving or being in charge of motorcycle with alcohol concentration above prescribed limit. Again, in this case, you are driving, you are in charge of a motor vehicle and you have been tested positively with alcohol content above prescribed limit, this is what the law says –

“in the case of a second or subsequent conviction, you are liable to a fine of Rs20,000 maximum Rs50,000 together with imprisonment for a term of not less than 6 months and not more than 12 months.”

This is why I wanted to say that I am in favour of the Bill which is presented today, but what I am saying is that, I think, we should have taken the opportunity to review the different sections and to come with *des mesures musclées*.

Hon. Fowdar was saying that in England, when you cause death to somebody while you are driving under the influence of liquor, it is about 14 years and so on. Yes, the sentences are hard there. Here, I say it again, we are changing ‘3 years’ to ‘5 years’, and the second offence to 8 years maximum. But even in that case of causing death, the imprisonment is not mandatory unlike two other cases I have just mentioned; when you are driving or in charge of a motor vehicle under the influence of drinks or drugs. So, there is an anomaly, *une incohérence* which, I think, we should have corrected, Mr Deputy Speaker, Sir. I am just giving one example of what I meant when I said I was expecting the hon. Minister to come, in some of the amendments that he has proposed to us today in terms of sentencing to suggest more impressive penalties in terms of sanctions.

Mr Deputy Speaker, Sir, I come to another important clause of the Bill and this is the clause 8 of the Bill. I come back again to this clause referring to the order made against a person under the influence of intoxicating drinks or drugs, that is, the measure that the Magistrate now can make when an application is made to a Magistrate for an order under this particular subsection, when that person can be disqualified from driving a motor vehicle for a period not exceeding two months from the date of the order.

On this score, Mr Deputy Speaker, Sir, I will just come back to what was said before me. In fact, it was 2006 when the Labour/PMSD Government was in power. Dr. Beebeejaun, a good old friend of everybody in this House, I think, was the Minister responsible for Public Infrastructure and he introduced the legislation. He came and made that specific proposal, Mr Deputy Speaker, Sir. As the law stood in those days, the Police Superintendent had the power, therefore, to suspend the licence of the driver who is found to be under the influence or suspected to have been under the influence of alcohol.

Mr Deputy Speaker, Sir, I remember during those debates, in 11 July 2006, I stood up and made a speech of only four pages. In fact, the only point I made in the law of 2006 was precisely what hon. Bodha is doing today. Ten years ago! Then, we had the Durocher case which came and validated what I mean. I think hon. Shakeel Mohamed also, although he was a backbencher of Government then. He was not Minister then. If not, he could not have gone against what was decided in Cabinet. The two of us warned the Labour Government at that time that this law would not pass the test of constitutionality for evident reason, for obvious reason that a Police Officer cannot usurp the judicial function of a District Magistrate and cannot impose a penalty upon somebody suspected who has refused to abide by the orders of the Police for a breath test or who was found under the influence of alcohol. We warned, in those days, the Labour Government, hon. Minister Beebeejaun, as he then was. I am just quoting a few lines from my speech. I said –

“Mr Speaker, Sir, what we are doing today by giving the Superintendent of Police the power to suspend the driving licence of somebody before he is charged, tried and convicted is dangerous according to me.”

Therefore, this Bill is introducing the possibility of a civil servant, a Police Officer to substitute himself for a Court of justice. We are, therefore, blurring the parameters, the guarantees which are entrenched in our Constitution.

“Mr Deputy Speaker, Sir, we are allowing a Superintendent of Police to deprive a driver of his licence (...)”

Mr Deputy Speaker, Sir, I further went on to say when the law was being debated, another amendment was brought to this particular section, that is, the amendment added the possibility that when somebody refused without reasonable excuse to submit himself to a blood test or to give a specimen of his blood, the Superintendent could also suspend his licence. This is what I said; I am quoting myself. I am sorry to have to do that, but just to prove the point I am making –

“Mr Deputy Speaker, Sir, I think today’s amendment goes a step further and allows the SP to suspend somebody’s licence by serving him notice even though he is not involved with an accident or causing death.”

But that is not all, Mr Deputy Speaker, Sir. I ended up by saying –

“Mr Speaker, Sir, what is the solution? I have thought about this also and I have told the hon. Deputy Prime Minister when somebody is arrested for drunken driving or causing death when he is drunk, why don’t we bring him before a Magistrate? The prosecution can make a motion to ask the Magistrate to suspend his licence until the case is tried. We can introduce it in our law, as it has been done, the necessity to try the case expeditiously (...)”

We even proposed the solution which is being proposed by the hon. Minister today, Mr Deputy Speaker. The hon. Minister would also remember in a few supplementary questions, I even raised the question a few months ago. Shouldn’t we, therefore, in the case of somebody who is arrested and tested positively, bring him before a Court, a Magistrate and the prosecutor moves that his licence be suspended, as we have done in this case? This is why I am happy that the hon. Minister has taken the bull by the horns. I will come to the details of this measure, whether it is constitutional or not, as hon. Ramful has just asked the question. But can we still do that? Though I said it 10 years ago, though you have now incorporated it in our law, in our legislation, is it constitutional? Because there is no conviction. That is true! It is a pre-trial measure. So, is this constitutional?

I have read the judgment of Durocher several times, and I am sure we have all gone through this Judgment, Mr Deputy Speaker. The Durocher case, in fact, is a very interesting case for our debates today. Therefore, Mr Deputy Speaker, to me, in fact, I would tend to disagree with hon. Ramful. I have thought about the point.

Let us take the drug cases. The prosecutor comes before Court and moves that the asset be frozen for years, your private property, even though you have not been convicted of being a drug dealer or drug trafficker. But the prosecutor has the power to ask for the freezing of your assets. Then, you will be tried in Court. If your case is dismissed, the assets are defrosted, if I can use that word.

So, in that case, it is, according to me, as Durocher made us understand, we have to see whether it is a penalty, a sanction or a preventive measure, since it is only for 2 months, that is, once the Bill says, “order a person to be disqualified from driving a motor vehicle for a period not exceeding 2 months”. According to me, it is a preventive measure. It is a measure designed to take the dangerous driver off the roads for a specific period of time and it is not a penalty. This is where also the law was found to be unconstitutional in the amendment brought by Dr. Beebeejaun. In that case – hon. Shakeel Mohamed will remember – it was an unlimited period of disqualification. The drunken driver would have been suspended for one or two years until his case would have been heard. Therefore, it was a suspension, a disqualification of unlimited period. This is what the Judges said, in fact, in the case of Durocher whereas, here, it is only for two months. But, then, the question arises. After two months, the drunken driver would be able to go back and start driving again and start killing people again. This is another risk because the suspension, the disqualification will come to an end after 2 months.

Mr Deputy Speaker, to me, therefore, this is the reason why I think we had no choice, the hon. Minister had no choice to come with such a proposal. But I will have again to criticise the hon. Minister.

I think again he very proudly said that in this case where the test is carried out, the Minister has decided to increase the prescribed limit by 2. This is what you said. Today, “prescribed limit” in our law, in the Road Traffic Act means - I am reading from the Road Traffic Act –

“prescribed limit” means, in relation to Part VIIIA –

(a) 23 microgrammes of alcohol in 100 millilitres of breath;”

The hon. Minister is proposing, is changing, is modifying it, is amending it by the proportion of alcohol in 100 millilitres of breath is 46. *Donc*, 2 x 23, it comes to 46. So, to me, we should have left it as it is. I don’t think we should have touched or changed the prescribed

limit in terms of micrograms of alcohol, milligrams of alcohol in the millilitres of blood. Everywhere it has been doubled.

Therefore, I see, in fact, no point. Because what that means is that we are making it possible for the driver to escape the order when the order comes in front of the Magistrate, but, of course, he might be successfully convicted later for the offence because the prescribed amount is lower than what has been provided for in the present legislation in terms of quantum. So, I, again, have disagreement with the hon. Minister in terms of the prescribed limits, in terms of the quantum, in terms of the increase that he has provided for in this Bill.

I think, again, the ceiling has been raised so high that it will be possible for many drunken drivers to escape the proposal that is being made in the present legislation. So, this is why again, Mr Deputy Speaker, Sir, I think we have not done enough. If we wanted to have a pre-trial measure to suspend temporarily or disqualify temporarily drunken drivers for two months, I think we should have left the prescribed limit as it is and not give the opportunity for drunken drivers to get away even though they have partaken alcoholic drinks and are driving their motor vehicles on our road.

I will make a last point, Mr Deputy Speaker, Sir, concerning the breath test. As we know, the offence of failure without reasonable cause to provide a specimen of breath for a breath test, under section 123G, is visited by a fine or a term of imprisonment only, and the court, on conviction, has no power to order that the offender be disqualified for driving a motor vehicle. So, in that case also, Mr Deputy Speaker, Sir, we see that the Bill makes mention that although the driver has refused to submit himself without reasonable excuse to provide a specimen of his breath, he is, therefore, being temporarily disqualified for two months. Whereas in our law, as it is, there is no possibility of somebody, even though he has refused a breath test, to be ordered disqualification or suspension.

Mr Deputy Speaker, Sir, I have made a few points on the legal aspects of the proposal in this Bill, but I will just say one word to the hon. Minister before I resume my seat. I think it is time today for the Ministry, for Government, for the Minister to come and find new and innovative ways, to find effective and sustainable solutions through the use of technology. This is why, in other countries like the UK, Canada, Australia, there is a new and innovative project called the Hazard Perception Driving Test, which addresses essential components in the fight against road accidents. Mr Deputy Speaker, Sir, this solution, according to researchers, has shown that drivers and motorcyclists' behaviour on the road is a critical

factor in the occurrence of road accidents. Driver's behaviour is influenced by external factors. Studies have shown that vehicle control is only part of being a good, safe driver.

In the UK, the Driver Behaviour Research Group has found that there are three stages of learning to drive. The technical mastery, that is, the control of the car; reading the road, learning to read the clues and information to anticipate the actions of other road users and how to handle unfamiliar road situations, and lastly, the manner in which the driver drives is an expression of his or her personality, attitudes and motive. Therefore, this scheme prepares the novice and experienced drivers to read the road.

As I said, in the UK, Mr Deputy Speaker, Sir, after introducing this scheme, it has announced 11 per cent reduction in road accidents, and in Mauritius, experts have shown that we can also reduce accidents by about 20 per cent if we introduce this complementary interactive driving test to the existing drivers' oral test currently being taken by learners every year. The test consists of a series of pre-recorded test videos depicting hazardous situations on the roads, filmed in Mauritius. When a hazardous context occurs in the test video, the training subject is just asked to click on a computer, playing the video immediately as a reaction, and the computer records the subject's reaction time to determine the score of successfully identifying a hazard, and no computer literacy is required of the learner. This is a test, Mr Deputy Speaker, Sir, which would have helped with regard to a significant amount of time and which necessitates some time practising the test at home and learn to recognise the road hazards effectively. This is where the behavioural and cognitive changes occur in order to improve driving skills. This is the innovative use of technology, and I would appeal to the hon. Minister to give some thoughts to those methods which are now used in advanced countries.

With these words, Mr Deputy Speaker, Sir, I thank you and the other Members of this House and, as I said, I wish good luck to the hon. Minister. It is *un pas en avant*, but not sufficient enough to my mind. I think we have lost an opportunity today to come with *des mesures musclées*. We have wasted this opportunity, and I think, in terms of sanctions and penalties, the hon. Minister could have done far, far better than he has done today.

I thank you for your attention.

The Deputy Speaker: Hon. Dayal!

(7.46 p.m.)

Mr R. Dayal (First Member for Flacq & Bon Accueil): Mr Deputy Speaker, Sir, I strongly believe that with proper legal framework and proper law enforcement, we can reduce, minimise road accidents, including fatal road accidents. My track record as a former Commissioner of Police proves same.

Now, I must commend hon. Minister Bodha for coming up with the amendments of the Road Traffic Act to curb road accidents on our roads. Nevertheless, I must lay special emphasis on the fact that the fundamental principle of law enforcement in democracies is to protect life and property. In view of the recent death of a Police Officer in a police cell, we should, like other countries as the UK has done, make sure that we have enough backup facilities to prevent death in police cells in terms of pulse and cardiac monitoring equipment. It has been established that people consume alcoholic drinks to combat stress, among other reasons. It has also been established that arrest in police cells causes traumatic disorders, hence the need to monitor scrupulously the cardiac conditions of those referred to police cells pending sobriety.

I am referring to section 123L of the Act, which clause 7 of the Bill proposes to amend. I must say that, as far back as 1995, with the approval of Sir Anerood Jugnauth, as Commissioner of Police I proposed the construction of a safety driving and riding centre at Candos. I even raised funds for its construction, but it could not be implemented because of vested interest. Nevertheless, we managed to construct a driving centre under the aegis of IVTB in Nouvelle France for buses and heavy-duty vehicles, and thus, prevented proactively many accidents through human factor engineering. But the sad thing is, up to now, not a single safety driving and riding centre has been constructed! This is a very sad state of affairs and it concerns the other government which was here before us.

Five main factors related to road accidents were highlighted in the first road safety manual produced by the Police Force. I would like to labour on that because it relates to human factor engineering. Among the five main factors related to road accidents, the first one is the human factor in all its ramification. I must hasten to add the paramount importance of human factor engineering with capacity building, and this is where we have not laboured enough –

- (a) physical and mental condition of the person at the steering wheel, as mentioned by hon. Ganoo;

- (b) his capacity to hear, see and respond rationally;
- (c) his training skills and aptitudes;
- (d) his self-control and reflexes;
- (e) consumption of alcoholic drinks, and we mentioned even narcotic drugs and medicines.

I think my friend the hon. Minister Bodha should see to it that in future amendments, this should be included -

- “(e) his capacity to act and react in front of danger of the unexpected, and
- (f) his capacity to pre-empt the action and reaction of other drivers, riders, pedestrians and animals.”

(ii) The Mechanical and Engineering Factors in all its Perceptions

Here as well, despite my repeated intervention to incorporate state-of-the-art technology to stop vehicles having brake failures electronically, thus preventing loss of life and property, nothing has been done despite the catastrophe we have witnessed lately. Mechanical and engineering defects, maintain shortcomings, wear and tear. Here, I must commend hon. Minister Bodha because he has incorporated it his Strategic Plan the operational capabilities and limitations of the vehicles and its braking and other stopping mechanisms, which are now being checked.

(iii) The Infrastructural Factor in the Concept, Design and Construction

- (a) conceptualisation of the road infrastructure, re-mobility, types size and tonnage vehicles to sustain urbanisation and development;

And this is what hon. Minister Bodha is doing with a lot of perseverance.

- (b) design and respect of certain norms, re-density of traffic and number of lanes is used at a particular time frame;
- (c) traffic signs, road markings and lighting devices where improvements are being made, and
- (d) construction adapted to local realities, terrain configurations, including the terrain in Rodrigues.

(iv) The Environmental Factor

- (a) the structure on environmental impact;
- (b) climatic conditions;
- (c) the morphology of the ground;
- (d) environmental sustainability, re-drains and design parameters;

This is where a Bill was passed lately by hon. Minister Bodha.

- (e) environmental hazards, thunderstorms, floods and whirl winds.
- (v) **The Unknown Factor**
 - (a) fatalism occurrence of the inevitable, and
 - (b) Murphy's law - if anything can go wrong, it will.

I must say that there are certain things we can do and there are certain things we can't do, but what is positive about the initiative of hon. Minister Bodha is that he has tried very hard to do something in the proper order to get things sorted out.

I again commend him for that.

Thank you very much.

(7.53 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): I was listening with a smirk the intervention of hon. Dayal. I mean, there are so many importing themes in there that the hon. Minister seems to have forgotten whirl wind, thunderstorms. Interesting! Maybe, next time, the hon. Minister in his free time will have a think or two about that, but let's try to ensure that it is relevant to this.

I was listening to hon. Ganoo who has taken us down memory lane some time back in 2006. Mr Deputy Speaker, Sir, whenever I meet hon. Rutnah and other youngsters on the other side, I remind them of the importance of this independence that they possess, which is, being a backbencher, and how important it is when you are a backbencher to say whatever you believe is right. There is no need to fear anything, as rightly pointed out by hon. Ganoo in 2006.

(Interruptions)

Without the butter or the oil or the ghee!

In 2006, what I said about the Road Traffic (Amendment) Bill of 2006 and I here refer to what I said many, many years back now. As Members of this Assembly, we should not be dictated by emotion, but by what the laws say and what the Constitution says. You shall not violate me! If we are to vote for this Bill today, we shall be violating our Constitution, but then, the answer shall not and should not be: 'Let the Supreme Court decide'. Because, very often, whatever we hear, even when we are in Government - in those days, when I spoke against that piece of legislation, Members of Government, the Government I belong to, said, 'Let the Supreme Court decide!' We heard it many times in the ranks of this Government as well: Let the Supreme Court decide! But this is not our role as legislators to let the Supreme Court decide.

When I say here that this is a reaction of defeatist, not to say anything more, we cannot come and say, well, let the Supreme Court decide, whether or not there is a violation of the Constitution. We are here as elected Members of this Parliament. A lot of us are lawyers present today and they realise that there is a problem. Hon. Ganoo is right! Before someone is found guilty before a Court of law, before he has the right to even put up a defence, before he even has the right to retain the services of Counsels, before he even has the right to plead guilty or not guilty to the charge, before he has any of those constitutional rights tested and given to him by our forefathers and founders of our Constitution, we tell him: hold on, we are going to violate you. When we violate the Constitution, what we are doing is violating the Mauritian public. I cannot accept that and sit down as if I am duty-bound to come and bring forward that this is a constitutional issue; we should be very careful about it.

I criticised that amendment because I found in 2006 that it was wrong in law. I see before me a lot of the faces, who, once upon a time, may have been on this side of the House in Government, and now they are on the other side, but all of us together have the same responsibility. We cannot sit quietly or go away quietly if there is something wrong in the law. We are duty-bound to speak up as legislators. When I stood up in those days and criticised Government, I was someone who did not make a lot of people happy in the ranks in Government. I will not go into the details, but I heard the unhappiness. I heard the words of unhappiness, but that did not discourage me from what I believe in. What is right is right and you cannot change what is right simply because you are of a certain rank of a political party that says that you should think that particular way. There are no two truths; there is only one truth. There are no two rights; there is only one right.

In this particular instance, even though the intention of hon. Minister Bodha may be right, the methodology that he is adopting, Mr Deputy Speaker, Sir, is wrong. The methodology, as I shall explain, creates a situation that if we go down the road that this Government is asking us to do, we are in actual fact giving immunity to every single person riding a bicycle or driving a motor vehicle under the influence of liquor because we are here today committing a blunder. As I have said in 2006, we should not be led by emotion but by reason. Let us look very carefully - putting aside political divide - at the law that is being proposed by hon. Minister Bodha. In clause 6, section 123G of the principal Act amended –

“Section 123G of the principal Act is amended –

(a) by repealing subsection (1) (...)”

What are we repealing? That is the responsibility of a legislator. The responsibility of a legislator is not simply to stand up and say, ‘I commend, I commend, I commend’ because I want to be your friend. ‘I commend, I commend, I commend’ because I want to be given a ticket next time! Take the risk of not getting the ticket, and again you get it.

(Interruptions)

Yes, I got it.

(Interruptions)

Oh yes! And I am here! What I am saying here is let us look at it. Hon. Rutnah stood up and said that he stands by that legislation. By the end of my intervention, I am convinced that he will change his mind because he has shown recently that he has the courage to even speak out against the Government that he belongs to. And I am sure that it was not only for the members of the public to hear and commend him upon his courage recently on air, live, when he criticised and said that in the Police Force, he believes that there may be some people in the higher rungs who are involved in the drug traffick mafia...

(Interruptions)

The Deputy Speaker: No discussion between you two.

Mr Mohamed: Sorry, but I am trying to commend his courage. Here, section 123G...

(Interruptions)

The Deputy Speaker: No interruptions, please!

Mr Mohamed: What are we doing? We are here repealing subsection (1) (a), and subsection of the actual law that is being repealed, Mr Deputy Speaker, Sir, says – and this is what we are repealing –

“a person driving, or attempting to drive, or in charge of a motor vehicle on a road or other public place if he has reasonable cause to suspect him of being under the influence of alcohol, or having committed a traffic offence while the vehicle was in motion.”

So, here, in this particular piece of statute, the legislator provides for reasonable cause to suspect him of being under the influence of alcohol or having committed a traffic offence while the vehicle is in motion and be any person whom he has reasonable cause to believe was driving or attempting to drive a vehicle which was involved in a road accident.

This 123G subsection (1) of law, as it stands today, is in line with our Constitution. There has to be reasonable suspicion before you ask anyone to do something or you arrest him or you tell him, “You shall now take a breath test”. He shall turn around to you and say, “Why should I take a breath test?” “It is because I reasonably suspect you of driving under the influence of alcohol. Therefore, you have committed an offence.” That is what section 123G of the law says. But when you repeal it - that is what the hon. Minister is suggesting -, we do and replace it by what?

“(...) a police officer in uniform may require a person to provide a specimen of his breath for a breath test, either at or near the place where the requirement is made or at the nearest police station where the test may be carried out, where the officer has reasonable cause to believe (...)”

What? Let us look at it now!

“To believe that the person is -

(a) riding a cycle on a road or any other public place;”

Is that an offence to ride a cycle on a road or any other public place? Or it may be somewhere else.

“(b) driving a motor vehicle on a road or any other public place;”

Is that an offence to drive a motor vehicle on a road or any other public place? So, what is the reasonable suspicion here?

In section 123G that we are repealing, it is to be under the influence of alcohol. Here we have repealed ‘being under the influence of alcohol’ and we are making the reasonable suspicion, the fact of cycling; the fact of driving in a public place or a public road; the fact of being in charge of a motor vehicle on a road or any other place which is, in fact, totally lawful and totally legal and totally in line with the law. The liberty of the citizens licensed to ride a bike or to drive a car in a public place or on a road is not illegal.

I have looked at section 123G together with Members of the Mauritian Labour Party here, the four good friends of mine. We have looked at it very closely and we have said maybe somewhere, at section 123G that is being repealed and replaced by this particular amendment, the legislator has prepared a Bill and will tell us that the reasonable suspicion is precisely that you are under the influence of alcohol or that you have, in fact, reasonable cause to believe that he was driving or attempting to drive a vehicle which was involved in a road accident. Maybe somewhere, there is an offence that is being mentioned there. Let’s look for it! Where is the offence mentioned? Not at clause 6(1) (a). It is not at clause 6(1) (b). It is not at clause 6(1) (c). It is not at clause 6(1) (d). Let’s look at it! Occupying the front seat in a motor vehicle as a competent driver supervising a learner driver who is driving the motor vehicle of a road or any other public place. Is that an offence?

So, if tomorrow you, Mr Deputy Speaker, Sir, or anyone of us is sitting, occupying a front seat in a motor vehicle as a competent driver – I presume that we are all competent drivers – or even cycling a bicycle like some hon. Members and hon. Ministers like cycling; even if the Police Officer has no reasonable suspicion that you are under the influence of alcohol, he has the right, according to this, to stop and tell you, “Breathe in this apparatus and let me find out what there is in your breath”. There need not, therefore, be an underlined offence. There need not, therefore, be a predicate offence. There need not be the suspicion of an offence and the Attorney General may smile or wink at the hon. Minister, but the fact is: this is the truth! There are no two truths. Maybe you would want us to take a breath test to verify whether we are subject to some asthmatic condition. I do not know, but, in actual fact, I’ll look again.

‘(b) in subsection (2) –

(i) by repealing paragraph (a) and replacing it (...)’

So, what is provided for here? Let’s read the law as legislators! Let’s read the law as lawyers! Let’s read the law because understanding what we do in terms of legislation is not

within the sole province of lawyers. We do not hold the monopoly of understanding laws. Laws are voted in this august Assembly by a majority of people who are not lawyers and they are also duty bound to the people out there because whenever something goes wrong, it is those who voted for it who will have to pay the consequences. Unfortunately, we don't have a political system that makes them actually pay. But here let's look for it. I looked for it, I can't find it.

Section 123K, let's read the law. A Police Officer present there can see Mr X riding a cycle on a road. Let's look at the particulars of the offence provided here. Riding on the road or any other public place! I would have expected the legislators to say: "whom the Police Officer has reasonable suspicion or reasonably suspects is under the influence of alcohol". Then it is an offence. But this is not here! Is this something that may have been missed out? There is no ego that we should have whenever we are here as legislators. We may have missed out something and we, at the Mauritian Labour Party, have established time and time again with our partners the PMSD, with our short time partners in the last ten years, the MSM, that we have been at the forefront of all types of amendments in order to ensure that the public at large is protected; to ensure that the road accidents go down. We have come up with drastic measures such as the Penalty Point System albeit not the very best, but the best in actual fact because, in actual fact, it was a deterrent. But what is the deterrent today provided now by this Government of *Lepep*? Occupying a driving seat of a motor vehicle on a road, attempting to put a vehicle in motion; where is the underlying offence?

So, in my humble view, this is a reason that shows – that's one and there are two more – why this law is defective. Once this is wrong, my friend is right, the whole conviction will fall and it is not sufficient for us to say, "Well, let the Supreme Court decide".

Second point, when one looks at the case of *Durocher*, which my good friend, hon. Rutnah, referred to, but with all due respect to hon. Rutnah when he said that he read the particular part of that judgment that gave him reason, I said, in a sitting position, without any offence meant, that he was very selective in his reading. Let me, here, read what *Durocher* says at page 9, and I quote –

"We may now turn to the questions submitted for our opinion. A scrutiny of the structure and design of the Act leads one to the conclusion that the legislator has provided for a strict demarcation of the powers of the licensing officer and those of the court. And the power to disqualify a person from holding or obtaining a driving

licence has been given to the court before which that person is convicted of an offence under the Act. So that the scheme of the legislation is to provide for disqualification as a penalty inflicted by the court following a conviction.”

In this particular instance, I disagree with hon. Ganoo. The drug laws may provide for X, but let us not say that the drug laws have anything to do with these road traffic laws. This has nothing to do with it. What my humble opinion and my humble legal view is, we should read here what the Judges in Durocher says. They go on -

“Disqualification as envisaged by the Act is part of the sentencing measures available to the court. Accordingly, the power to order a disqualification is essentially a judicial function, (...).”

I go on, and that’s the part he did not read –

“(...) and that too after conviction for an offence under the Act.”

What would be the conviction in this particular instance? None! What would be the offence provided for? Failing to take a breath test when you are riding a bicycle without the need to have a reasonable suspicion of being under the influence of alcohol, would that be the offence? Basically, here, what the legislator did in 2006? The Supreme Court in the Durocher case came to say very precisely: yes, you can do what you want to do, but there are parameters within which you should operate and not beyond. You cannot, therefore, simply come here, today, and tell me, “Well, it is for a temporary time of 2 months. Therefore, it is constitutional.” Wrong! It is a penalty. When you are ensuring that someone cannot go on for 2 months’ drive, before he has even had the chance to have a charge read to him, before he has even pleaded guilty, before any of that and what would be the case? Is it a civil remedy, Mr Deputy Speaker, Sir? No! Is it a criminal matter? Yes. Why do I say it is a criminal issue and not a civil issue? Because fines and imprisonments are provided for under this particular section. Therefore, it is criminal.

In criminal matters, there is something called: he should have a charge read to him. There is a right of silence. He should have the right to keep quiet and not speak. This is guaranteed under the Constitution. Here, in this particular case, the charge is not read to him and he is put in a situation where he is forced to talk.

Hon. Ganoo said, “Well, in drug cases where you have assets that are going to be seized, he can put a temporary freezing on it depending the determination.” Yes, pending the determination, and in this particular instance, it is a civil matter. Here, it is a criminal issue.

(Interruptions)

Alright! The amendment that is being proposed is that it is going to be a civil matter, but calling it a civil matter in this particular instance only to go round...

(Interruptions)

They have at the same time provided for penalties which are imprisonment and fines, but I shall deal with it as a civil matter.

(Interruptions)

The Deputy Speaker: Hon. Mohamed, this is not a discussion.

Mr Mohamed: I shall deal with it as a civil matter, but provision is also made for fines and imprisonment.

(Interruptions)

The Deputy Speaker: Hon. Baloomoody, the same applies to you!

Mr Mohamed: In my humble view, this does not make any sense whatsoever. I was reading the Law Reform Commission Report on Road Traffic Act dated in 2011. The Law Reform Commission came forward and made mention precisely of what the Durocher case said and precisely that it had to be after conviction that you could carry out by having a disqualification, not as is provided here. As I said, in 2006, this would not stand the test of constitutionality, not only constitutionality, what is provided for in that particular section is there is no offence whatsoever. It cannot be an offence what they have provided.

The last thing I would like to say now is the following. We have seen accidents in this country where employees are going around in vehicles and have had serious road accidents. Let us not forget about the 11 Bangladeshis who passed away in a road traffic accident when they were working in Mauritius. In October 2014, I was then Minister of Labour. I came to Cabinet - this would be of interest to my good friend, the actual Minister of Labour, Industrial Relations, Employment and Training - and Cabinet decided on 03 October 2014 that Occupational Safety and Health (Transportation of Employees) Regulations to further strengthen the safety of workers who are transported on private roads in vehicles provided by the employers and make provisions, among others, for the requirement of a competent person to inspect every vehicle as per the manufacturers' specifications before the vehicle is used for any work shift or ensure that seats provided for employees are properly maintained and fitted with suitable backrest and position in such a manner as to prevent fall of employees when

being transported. This is what the Cabinet had approved and regulations had already been drafted and approved by Cabinet, and it simply required it to be signed. Elections came, we are now in 2016/2017, and those regulations have not been signed yet.

Now, what do we see on the roads? The hon. Minister says that he is concerned and the Government is concerned about reducing dangers on the road. Dangers on the road not for only those who are going to work in buses, but also employees working in sugar cane fields, working in the agricultural sector, going to schools and going to textile factories in common transports that are contracted out to bring them to work. This was the regulation that was to ensure that workers are not going to be carried around as cattle, to ensure that workers are not going to be made from the construction industry to be sitting on wooden benches in the back of lorries. They don't even have a seat belt and there is a danger of serious road accidents and fatal accidents because the employers are not in line with what human rights require; that they have a proper means of transport given to their workers.

Now, if Government is serious about wanting to protect users of the road and workers going to work in thousands and thousands every day, why is it that they have not come up with amendments and the regulation ever since 2014? This is what the hon. Minister could have done in his amendment. This is what he could have proposed. It was already there, it is done, it only requires a signature, and they could not be signed because elections had been declared. Now, for those reasons, I am of the view - and I said what I said in 2006. I invite my good friend, the hon. Minister of Labour, to simply sign the document. The document is there and the former Permanent Secretary, Mr Nowbuth, is aware of it, the Cabinet's decision is a proof of it. The documents are in the Cabinet's Office, if my good friend wants to find them. If he even wants a copy of the draft, I can let him have it.

Now, as far as hon. Minister Bodha is concerned, he has a serious issue to deal with. Intentions are good, but if this is going to be thrown out of Court, because there is no underlining predicate offence. What he is doing is criminalising the fact that anyone can ride a bicycle on a public road. He is criminalising the fact that you can sit down next to someone who is learning how to drive. He is criminalising the fact that you are in the front seat. He is criminalising what today is totally legal.

A Police Officer will have the right to come and tell me, 'breathe, give me a breath test because you are riding a bicycle' around the highway, the north coast somewhere and going to Trou aux Biches or Grand Gaube and coming to the south. What is stopping me

because they want to take a breath test? For what? Do I look drunk? Do you have reasonable suspicion? No! The law does not say you need to have that, you just can simply ask. Government decides!

Thank you very much.

The Deputy Speaker: The hon. Minister of Public infrastructure and Land Transport!

(8.21 p.m.)

Mr Bodha: M. le président, j'ai beaucoup apprécié la teneur des débats. Je pense que certains commentaires ont été très efficaces, bien arguments, et je vais, dans la mesure du possible, répondre à un certain nombre d'interrogations et apporter un certain nombre de clarifications à des questions qui ont été soulevées ici. Concernant la criminalisation d'un certain nombre de faits, de gestes et d'actions qui peuvent paraître tout à fait anodins, *l'Attorney General* est en train de voir dans la mesure du possible si on peut apporter l'amendement nécessaire.

Mr Deputy Speaker, Sir, there are a number of things which I would like to answer to. As regards the testing of drugs raised by hon. Mrs Selvon, I was in Reunion Island and I raised this issue to see how this is being done, and I have to say that testing is still on a very experimental stage and we are going to gradually introduce same with the appropriate testing equipment. In fact, there is Dr. Guillon who has already been here and he presided over a seminar on the issue. The State Law Office is already working on a draft Bill and we will come back to this issue later.

There has been a lot of debate as regards the penalty system and the point system. I still maintain that what was the issue with the penalty point system was the double jeopardy. There was a fine and there was the point system. That was what I described as being repressive. But let me tell you one thing now: in fact this present system is tougher. People are not aware of it. I am going tell you how. During the time when the penalty point system was in force, it is about a year, there were nine suspensions of licence and there were two cancellations of licence during that year.

What has happened with the penalty system that we have put, Mr Deputy Speaker, Sir? In fact, there is one driver who has been suspended already and there are 30 cases before the Magistrate for suspension, which means that they have already committed six offences. But this one also is incremental. It is one plus one plus one until you reach the sixth stage where you go for suspension. We have got 30 cases today where the Police have already

made an application for suspension, 30 drivers, and this is coming. So, I think that this debate about the point or penalty system is long gone because the fact is that in reality when you apply the penalty system it is tougher. I wanted to say so, Mr Deputy Speaker, Sir.

There was an issue raised by hon. Ramful and hon. Fowdar that there was no provision for penalties for failing to submit to an alcohol test because there was no offence. But there is an offence. The offence, in fact, is section 123G subsection (3)(a), which provides that the Police Officer may arrest a person where the breath test indicates that the proportion of alcohol in that person's breath exceeds the prescribed limit. The offender is then prosecuted under sections 123D, 123E and 123F. So, there is an offence.

Mr Deputy Speaker, Sir, there has been a debate on the famous case Durocher. In fact, the issue of constitutionality was raised then. We have gone through this case and what hon. Ganoo said then and what hon. Mohamed said then, we have, in fact, tried to find a solution, which already existed in the law. It is already in the law. In section 50 of the Act, you have the revocation of a driving licence, which says that the licencing officer may –

“(a) revoke a driving licence (...) where it appears to him that the conduct or character of the holder is such as to render him unfit to drive the vehicle (...)”

When the Police Officer revokes the licence, there is an appeal to the Court and the aggrieved person can go to the Court and –

“(b) The Magistrate may hear and determine the case as though it were a civil matter.”

This is in the law already. It is under section 50. And it says –

“(2) Where an appeal is made under subsection (1), the decision of the Magistrate shall be final.”

So, what we are requesting in this case is something which already exists in the law. What hon. Mohamed is saying is that there can be no disqualification unless there is a conviction. This is the whole issue. Can there be a disqualification pre-trial? What we are saying here is that, in fact, it exists in the law where you have the issue of revocation of a driving licence where the Police Officer may revoke the driving licence and, in that case, the aggrieved person can go to Court and the Magistrate may hear and determine the case as though it were a civil matter.

Mr Deputy Speaker, Sir, there is also this famous Belgian case Escoubé, and I have been enlightened to the effect that disqualification in that case, pending conviction on the main charge, is permissible where there were three conditions which were imposed –

- (i) the disqualification is limited in time, which we have done;
- (ii) the licence holder is given a hearing, which we have done, and
- (iii) there is a set-off against the disqualification to which the offender is sentenced under the main charge; we are not yet there.

There is a set-off against the disqualification to which the offender is sentenced under the main charge, later.

So, I have addressed a number of issues. There was hon. Bhagwan who mentioned the role of the TMRSU. I must say that the role of the TMRSU was and still is a bit blurred because they do a lot of things which overlap with the NTA and also with the RDA. We are working on reorganising the TMRSU, so that it takes care only of road safety and they do not build pavements and they do not do into what I call the hardware which should be left to the RDA, the NDU, the Municipalities and the District Councils. The TMRSU should take care only of the road safety issue.

Mr Deputy Speaker, Sir, hon. Ganoo said that it is lukewarm and not far enough and that we should have been tougher. Well, a lot will depend on the Courts. I think we have taken into consideration what is being done at the Courts now, that is, what is the sentencing on an average. So, we have in fact gone on what is being done at present and from cases which are being lodged in the Courts.

Hon. Fowdar mentioned a very interesting issue and it is about the role of the speed of cameras because often we slow down in front of the cameras and we speed again just after the cameras. The solution to this is what is called zone speeding. In fact, we are going to apply the solution. What we are doing is that we are going to have an audit of the present system. The present system was put up by the former Government, and we still don't know what was the rationale in putting the cameras where there are put. In fact, we have standardised the speed limits and it is 80 and 110. Formerly, you had 70, 80, 90, 100 and 110. Now, we have standardised it. So, we are going to have audit of the system which has been implemented in 2014, and after that we are going to have the zone speeding because the solution, in fact, is zone speeding, as we know that people just slow down in front of the speed cameras and they start speeding again.

Mr Deputy Speaker, Sir, I think that I have answered most of the issues. The most important thing beyond all this is that we have the determination and the will. We are setting up the structures. We are setting up the institutions. We are coming with the law. We are coming with the Enforcement Squad. I am going here to thank the State Law Office because this is a very complex legislation. I would like also to thank the Police for what they are doing, but now that we have the law, the ball is in the court of the enforcement. In Parliament today, I am going to make an appeal to the Traffic Branch of the Police. Today, you have the instrument to enforce the law, and we should see the results.

The hon. Attorney General had told me that we would break for a few minutes just to see to it that we can bring the amendments to clause 6.

I would like to thank everybody who has participated in the debate. It is a very passionate debate, but there is something which I think everybody wants. Everybody wants our roads to be safe. Everybody wants that we do not have casualties on the streets. Nobody wants to have tragedies the way we have today. I think we have a role to play. Today, we are setting up the legislation and we are coming with all the other measures. I hope that we will be able to win this national challenge.

Thank you, Mr Deputy Speaker, Sir.

Question put and agreed to.

Bill read a second time and committed.

The Deputy Speaker: I suspend the sitting for 15 minutes. I understand that there is an amendment that will be brought.

At 8.34 p.m., the sitting was suspended.

On resuming at 9.12 p.m. with the Deputy Speaker in the Chair.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

THE ROAD TRAFFIC (AMENDMENT NO. 2) BILL

(No. XXIV of 2016)

Clauses 1 to 5 ordered to stand part of the Bill.

Clause 6 (Section 123G of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Bodha: Mr Chairperson, I move for the following amendment –

“in clause 6(a), by deleting the proposed new subsection (1) and replacing it by the following subsection –

- (1) Where a person is –
- (a) riding a cycle on a road or any other public place;
 - (b) driving a motor vehicle on a road or any other public place;
 - (c) subject to section 123E(3), in charge of a motor vehicle on a road or any other public place;
 - (d) occupying the driving seat of a motor vehicle on a road or any other public place and attempting to put the motor vehicle in motion;
 - (e) occupying the front seat in a motor vehicle as a competent driver supervising a learner driver who is driving the motor vehicle on a road or any other public place; or
 - (f) on a road or any other public place, driving or attempting to drive a motor vehicle which is involved in a road accident,

a police officer in uniform may, where he has reasonable suspicion to believe that the person is under the influence of alcohol, require, subject to section 123K, that person to provide a specimen of his breath for a breath test, either at or near the place where the requirement is made or at the nearest police station where the test may be carried out.”

Amendment agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8 (New section 123LA inserted in principal Act)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Bodha: Mr Chairperson, I move for the following amendment –

“in clause 8, in the proposed new section 123LA, by inserting, after subsection (5), the following new subsection, the existing subsection (6) being renumbered as subsection (7) –

(6) The Magistrate may hear and determine an application made under subsection (1) as though it were a civil matter.”

Amendment agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 and 10 ordered to stand part of the Bill.

Clause 11 (Second Schedule to principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Bodha: Mr Chairperson, I move for the following amendment –

“by deleting clause 11 and replacing it by the following clause –

11. Second Schedule to principal Act amended

The Second Schedule to the principal Act is amended –

- (a) by deleting the items pertaining to sections 123A, 123B, 123C, 123D, 123E and 123F and their corresponding entries and replacing them by the items pertaining to those sections and their corresponding entries, respectively, as set out in the Second Schedule to this Act;
- (b) by inserting, after the item pertaining to section 123F, the new items and their corresponding entries as set out in the Third Schedule to this Act.”

Amendment agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clauses 12 and 13 ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Third Schedule

Motion made and question proposed: “that the Third Schedule stand part of the Bill.”

Mr Bodha: Mr Chairperson, I move that a new Schedule be added as follows –

“

THIRD SCHEDULE

[Section 11]

123G	Failing to provide specimen of breath for breath test	First Second or subsequent	No Yes	Yes No	Yes Yes	No No	Yes Yes	No No	Minimum disqualification period of 8 months
123H	Failing to provide specimens of breath, blood or urine for analysis”	First Second or subsequent	No Yes	Yes No	Yes Yes	No No	Yes Yes	No No	Minimum disqualification period of 8 months

The Chairman: The question is that the new Third Schedule be read a second time.

Question put and agreed to.

New Third Schedule ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

Third Reading

On motion made and seconded, the The Road Traffic (Amendment No. 2) Bill (No. XXIV of 2016) was read the third time and passed.

ADJOURNMENT

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 29 November 2016 at 11.30 a.m.

Mr Bodha rose and seconded.

The Deputy Speaker: The House stands adjourned.

MATTER RAISED

(9.18 p.m)

STRAY DOGS – ILL-TREATMENT

Mr A. Ganoo (First Member for Savanne & Black River): M. le président, je vous remercie de me donner la possibilité d'intervenir *at Adjournment time*.

Mon intervention, M. le président, est un cri du cœur, et je suis convaincu que je parle au nom de beaucoup de nos concitoyens et en particulier au nom de beaucoup de nos jeunes. Je voudrais m'attarder sur le sort que connaissent nos chiens errants et la maltraitance outrageante qui afflige ces chiens errants de par le pays.

Récemment, le journal britannique *Daily Mail* a dénoncé le sort de ces chiens capturés par le *MSAW*, et ces chiens capturés, M. le président, sont enfermés avant d'être endormis sans anesthésie et injectés par des injections létales. Depuis quelques jours, il y a une vidéo choc qui est diffusée sur l'Internet et montre les conditions de ces chiens affrontant la mort. La vidéo montre un homme tenant une barre de fer et donnant des coups à un chien, avec un regard supplicateur et sans défense, intitulée : "*The real price of your paradise holiday: Dogs are injected with lethal cocktail of drugs to stop them annoying tourists.*" Ainsi, ce journal a même menacé de déclencher une campagne de boycott de notre industrie touristique en Grande Bretagne.

M. le président, la protection des animaux dans notre pays a été régie depuis longtemps ; depuis une loi datant de 1918, *The Animal Destruction Act*. Puis vint le *Prevention of Cruelty to Animals Act* en 1957 et un autre projet de loi, *The Mauritius Society for the Prevention of Cruelty to Animals Act*, en 1971.

M. le président, dans le passé, l'île Maurice était un pays soucieux de la condition des chiens et avait en plusieurs occasions légiféré. Malheureusement, la situation n'est pas aussi

rose qu'on voudrait le penser. C'est à cause de cela, M. le président, qu'aujourd'hui j'aimerais attirer l'attention du ministre concerné qui, je suis sûr, va tout à l'heure nous éclairer sur la situation des chiens errants et la menace qui pèse sur notre pays.

Vous savez sûrement que les ONG internationales ont lancé une pétition internationale, demandant la fin de cette méthode cruelle de contrôle des chiens errants à Maurice. Ils réclament l'introduction d'un programme national pour une meilleure gestion de la population canine et de finir avec cette politique de *'catch and kill policy'*, et préconisent une approche globale et moderne, une stérilisation planifiée, en nous inspirant de ceux qui existent dans les pays avancés et, donc, créer, M. le président, de meilleures conditions pour favoriser une attitude positive envers nos chiens errants.

Par la suite, M. le président, après cette vidéo diffusée par le *'Daily Mail'*, intitulée comme je viens de dire, *'The real price of your paradise holiday'*, un article a aussi paru dans le *'Daily Mail'*. En Afrique du Sud, M. le président, le *'Times'* a publié un article le 21 novembre 2016. Toujours en Afrique du Sud, *'The Highway Mail'*, un article similaire a paru le 03 novembre 2016. En Italie, M. le président, nous avons aussi, malheureusement, vu un article dans un journal qui s'appelle *'Quotidiano'* le 07 novembre 2016, et encore dans d'autres pays de l'Europe de l'Est.

Évidemment, tout ceci nous attriste, parce que c'est notre réputation, notre tourisme qui est menacé. En 2012, le *'Daily Mail'* avait même menacé de *trigger a tourism boycott*. *It appeared, according to the newspaper itself, that the authorities suspended the ill-treatment of the stray dogs for some time.*

Donc, voilà où nous en sommes, et c'est la raison pour laquelle j'ai pris l'initiative de soulever cette question qui a un potentiel immense de nous faire beaucoup de tort, M. le président. J'ai fait référence aux solutions possibles, telles que la stérilisation planifiée qui, malheureusement, coûte chère d'après mes renseignements. J'espère que l'honorable ministre va nous éclairer sur ce sujet. Une autre solution serait de laisser les ONG s'en occuper. Au fait, je connais une ONG, le SCAR, le *Second Chance Animal Rescue*, qui a fait une demande au ministère du Logement et des Terres pour construire des *shelters* de leur propre fonds pour les chiens errants. Ce serait peut-être une option aussi, M. le président.

Donc, voilà ce que je voulais dire à la Chambre, M. le président. J'espère que l'honorable ministre Seeruttun va prendre bonne note de mon intervention et réagira avec ses

collègues ministres. Nous devons essayer de trouver les moyens pour contrer cette campagne négative qui a été faite contre l'île Maurice et le tourisme mauricien.

Merci.

The Minister of Agro-Industry and Food Security (Mr M. Seeruttun): I would like, first of all, to thank the hon. Member for raising this issue of stray dogs which has been making the headlines recently.

My Ministry is well aware of representations made by International NGOs, particularly from UK, India and Italy, regarding the “catch and euthanize” practice for controlling overpopulation of stray dogs.

Mauritius has an estimated population of 300,000 dogs, out of which at least 80,000 are considered to be strays. The problem of stray dogs is of crucial importance in view of the small size of the island and the potential nuisance caused by them, which includes the following -

- (i) they soil the environment with their excretions and increase the risk of spreading diseases to other animals and humans;
- (ii) they roam around looking for food in public places, thus endangering their health;
- (iii) they are a potential source of road accidents and a threat for public safety in public places, and
- (iv) they are often an eyesore for the tourists visiting our island with the presence of numerous skinny and unhealthy dogs on public beaches and hence reflect badly on the image of Mauritius as a pet friendly country.

The Mauritius Society for Animal Welfare (MSAW) receives numerous requests daily from schools, the local authorities, the hospitals and the tourism industry to catch dogs on their premises, as they are a source of nuisance and inconvenience. These dogs once caught and, in extreme cases, have to be eliminated.

The MSAW is mandated by law - the Animal Welfare Act 2013 - to catch and impound dogs and to euthanize unclaimed dogs after three days. This process of controlling the population of stray dogs exists for more than 50 years in Mauritius and is in accordance with the recommendation of the “*Office International des Epizooties*”, the OIE. This practice also exists in other countries in the world, including UK, Hong Kong, Russia and India. According to established international practice, the stray dogs are put to sleep after a process

of general anaesthesia, followed by lethal injection by a trained veterinary officer and is performed under humane conditions. I must say that such practice is done in extreme situation and it has never been the practice to carry out mass stamping out of strays.

However, I must point out that another measure to control dog population is through sterilisation. The MSAW has been undertaking various mass sterilisation campaigns in different regions of the island. Since the start of the free sterilisation campaign in September 2015, 3,432 dogs have been sterilised. Several measures have been introduced to help MSAW to carry out this campaign more effectively. These include -

- (i) the provision of additional funds in this year's budget to the MSAW to enable it reinforce its staffing situation and hence deliver its services more efficiently. Additional veterinarians, both locally and from abroad, have/are being recruited. Veterinary technicians and canvassers will also be recruited in the near future;
- (ii) the transfer of one caravan from the DVS to the MSAW to enable it carry out its sterilisation programme region wise;
- (iii) purchase of additional equipment to better equip the existing clinics of the MSAW in conducting sterilisation, namely blood counter, ultrasound, chemistry analyser and anaesthetic machine;
- (iv) the support of the private sector in the sterilization campaign has been enlisted to give a boost to the project. Two companies in the South of Mauritius have already embarked on the project through their CSR initiatives, and a total of 276 dogs were sterilised in that part of Mauritius during the period August to September 2016;
- (v) recruitment of a Communication Officer last year to conduct sensitisation cum education campaigns on responsible pet ownership on the social medias, in schools, community centres, etc.;
- (vi) ongoing daily programme for adoption of dogs and cats at its clinic in Rose Hill. Adoption days are held every Saturday to encourage members of the public to adopt a pet. On an average, some 200 pets are adopted on a yearly basis;

- (vii) micro chipping of dogs and registration is also being encouraged and is being offered free of charge to dog owners bringing their animals for sterilisation, and lastly
- (viii) the possibility of opening an additional spay/neuter clinic in Port Louis as well as the establishment of a new dog pound are also under consideration.

My Ministry is also in presence of a project proposal from the Humane Society International (H.S.I), which consists of the sterilisation of 8,000 dogs on an annual basis. This project is being currently examined.

Mr Deputy Speaker, Sir, the sterilisation campaign on a large scale will produce results in the long term. In the short and medium terms, the catching and euthanizing of stray dogs is conducted in extreme situations. Once the population of dogs is under control, Government will review the policy of catch and euthanize.

Thank you, Mr Deputy Speaker, Sir.

At 9.32 p.m., the Assembly was, on its rising, adjourned to Tuesday 29 November 2016 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

RESIDENCE KENNEDY, LA GAULETTE, CASE NOYALE & LE MORNE – DRUG TRAFFICKING

(No. B/962) Mr G. Lesjongard (Second 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 drug trafficking offences committed in Residence Kennedy, La Gaulette, Case Noyale and Le Morne, respectively, since January 2015 to date, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of arrests effected in connection therewith.

Reply: Section 41 (4) of the Dangerous Drugs Act provides that “*a person shall be deemed to be a drug trafficker where the street value of the drugs, the subject-matter of the offence, exceeds one million rupees or such other value as may be prescribed.*”

I am informed by the Commissioner of Police that there has been one case of drug trafficking, in the regions of Residence Kennedy, La Gaulette, Case Noyale and Le Morne during the period January 2015 to 17 November 2016.

In this case, eight suspects were arrested in Residence Kennedy and the enquiry in this case is still ongoing.

POLICE CUSTODY – SUSPECTS – DEATH

(No. B/963) 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 suspects who have died whilst in Police custody or in prison, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to the –
 - (i) number thereof since 2010 to date, and
 - (ii) measures taken or that will be taken in order to avoid the recurrence thereof, and
- (b) state if consideration will be given for the existing legislation to be amended to provide for the inquiries in such cases to be carried out under the supervision of a Magistrate.

Reply: I am informed by the Commissioner of Police that from January 2010 to 17 November 2016, six persons have died in police custody. I am also informed by the Commissioner of Prisons that during the same period 35 remand detainees passed away in prisons.

In regard to part (a) (ii) of the question, I am informed that the Police have laid down clear cut procedures in the Police Standing Orders regarding the detention and rights of suspects in police cell with a view to avoiding death of suspects in Police custody.

In addition, the following measures will be implemented with a view to enhancing the safety of persons whilst in police custody –

- (i) Installation of CCTV at Police Stations and Detention Centres;
- (ii) Appointment of Custody Officers, and
- (iii) Construction of two modern Detention Centres.

Furthermore, members of the National Preventive Mechanism Division of the National Human Rights Commission are legally authorised to visit Police cells and Detention Centres to ensure that the rights and welfare of detainees are respected.

As regards the Mauritius Prisons Service, the measures taken to avoid the recurrence of death of detainees in Prisons are, *inter alia*, as follows –

- (i) Provision of Medical Assistance by Medical Officers and Hospital Officers on a 24 hours basis;
- (ii) Availability of Medical Units at the remand centres;
- (iii) Referral of Detainees to Public Hospitals for specialised care and treatment including referrals to Psychologist and Psychiatrist at Brown Sequard Mental Health Care Centre;
- (iv) Posting of the Dynamic Security Support Unit (DSSU) Officers at all penal institutions to address the problems of suicide in Prisons;
- (v) Posting of Prison Welfare Officers at all penal institutions to ensure that the family links are maintained;
- (vi) Enlistment of the services of Resource Persons from non-governmental organisation to assist in the rehabilitation of detainees, and
- (vii) Setting up of a Suicide Prevention Coordinating Board in the Mauritius Prison Service since 01 October 2015 to facilitate implementation of suicide prevention mechanism.

In regard to part (b) of the question, I am informed that Section 110 of the District and Intermediate Courts (Criminal Jurisdiction) Act already provides for investigations to be carried out under the supervision of a Magistrate in connection with violent, suspicious and unnatural deaths.

BEL OMBRE & ST FELIX - STATE LAND/PAS GEOMETRIQUE - HOTEL PROJECTS

(No. B/982) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the allocation of State land/*Pas Géométrique* in Bel Ombre and St Félix for the implementation of hotel projects since January 2015 to date, he will –

- (a) state the number of hotel projects for which a letter of reservation/intent has been issued, indicating in each case –
 - (i) the names of the local/international promoter/s and date of application;
 - (ii) the extent of land approved, location and date of approval;
 - (iii) the description and terms and conditions thereof;
 - (iv) the expected start and completion dates thereof, and

- (v) if the application has been supported by the Board of Investment, and
- (b) table copy of the letters of reservation, of intent and of recommendation of the Board of Investment.

Reply: I wish to inform the House that my Ministry has issued three letters of Reservation for hotel development projects in the region of Bel Ombre and one Letter of Intent for a hotel project in the region of St Felix.

With regard to parts (a) to (f) and (h) of the question, I am tabling all the required information.

With regard to part (g) of the question, the Board of Investment has supported the applications in respect of KPMM (Mauritius) Ltd, West Coast Leisure Ltd and Clear Ocean Hotel and Resort Limited.

IRRIGATION AUTHORITY - MANUAL GRADE WORKERS - RECRUITMENT

(No. B/983) Mr S. Fowdar (Third Member for Grand' Baie & Poudre d'Or) asked the Minister of Agro-Industry and Food Security whether, in regard to the recent recruitment exercise of manual grade workers at the Irrigation Authority, he will, for the benefit of the House, obtain from the Authority, information as to the names, addresses, qualifications and age of the applicants, indicating those who have been recruited and table copy of the applications received in respect thereof.

Reply: I am informed that the Irrigation Authority has recently recruited 17 persons for the post of "*Irrigreur*" which is a minor grade position.

The vacancies were advertised on 28 and 29 April 2016 and it was mentioned in the press advert that the place of work would be the Northern Plains Irrigation Project in the region of Plaine des Papayes, Morcellement St André, Triolet, Solitude and Fond du Sac.

522 applications were received and after a screening exercise, 246 applicants were called for an interview. However, only 195 candidates turned up. The 17 selected candidates have been offered employment as "*Irrigreur*" on a contract basis of one year effective as from 04 October 2016.

With regard to the information asked for by the hon. Member, same is being compiled and will be tabled in due course.

FINANCIAL SERVICES INSTITUTE - TRAINING COURSES

(No. B/984) Mr S. Fowdar (Third Member for Grand' Baie & Poudre d'Or) asked the Minister of Financial Services, Good Governance and Institutional Reforms

whether, in regard to the Financial Services Institute, he will, for the benefit of the House, obtain therefrom, information as to -

- (a) the types of training courses to be offered thereat, indicating –
 - (i) the duration thereof;
 - (ii) the fees payable in respect thereof, and
 - (iii) if same will be industry based and the curriculum mounted in collaboration with the industry, and
- (b) if it proposes to make an application to become an awarding body.

(Withdrawn)

NINE-YEAR CONTINUOUS BASIC EDUCATION - NATIONAL CURRICULUM FRAMEWORK

(No. B/985) Mr S. Fowdar (Third Member for Grand’Baie & Poudre d’Or) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the secondary and tertiary school levels, having regard to globalisation and change in economic demand at local and international levels, she will state if –

- (a) consideration is being given for the curriculum thereof to be reviewed, and
- (b) the University of Mauritius and other similar bodies have been requested to work in collaboration with the private and the public sectors with a view to reducing mismatch on the job market to the minimum.

Reply: As regards part (a) of the question, the new National Curriculum Framework (NCF) for the Nine Year Continuous Basic Education developed by the Mauritius Institute of Education (MIE) in 2015, highlights the changes that schools and curriculum will undergo in the context of globalisation and the demands of the 21st Century. The National Curriculum Framework seeks to enable learners to become responsible citizens, effective communicators, creative and innovative thinkers, well-balanced individuals, autonomous life-long learners and effective collaborators. It thus emphasises the acquisition of 21st century skills such as Civic skills, Creative and Critical Thinking Skills, Personal and Social skills, Communications skills, among others. This with the view of ensuring greater prospects for employability.

I wish to highlight that my Ministry has, in collaboration with the Cambridge International Examinations introduced in 2015 the HSC Professional Qualification in 11 secondary schools including 1 in Rodrigues with the objective of addressing the mismatch between the academic qualification and the world of work by establishing bridges between schools and the industry. Moreover, Entrepreneurship Education as a new subject has been

piloted, and subsequently rolled out at lower secondary level, in all secondary schools. In the same breath, Enterprise Education will be offered as an examinable subject at O level as from 2017.

Advances in technology and changes in work organisation in the context of globalisation have a significant impact on the process of curriculum design and development in the TVET sector. In order to ensure continued relevance and quality, I am advised that the MITD regularly reviews its curriculum in consultation with members from the private and public sectors and industry experts through the DACUM, [that is, **D**evelop **A** **C**urriculu**M**] process. The curricula are validated by industry experts.

Concerning part (b) of the question, I am informed that Consultative Committees have been set up at the level of each public university to give further impetus to their collaboration with the private sector. These committees are responsible among others, to advise the University on the development of programmes of study and research, in line with the needs of the labour market and the relevance of the curricula of programmes of study to the labour market needs. Further, students at the University level are given the opportunity to follow Employability skills courses to enhance their skills and competencies so that they are better equipped to face the challenges work environment.

Public Universities namely University of Technology, Mauritius and Université des Mascareignes have incorporated placement component in their programmes. The UTM has as a matter of fact recently completed a programme in IT with collaboration of employers in the ICT sector. Presently a postgraduate diploma in virtual reality and 3D development is being run by the University of Mauritius with an enterprise.

This University-Industry collaboration is not only a means of complementing the academic component of its curriculum of studies but also enable students to have an insight of the world of work. Universities also carry out regular tracer studies to evaluate knowledge and skills acquired by graduates with the requirements of the job market.

I am also informed that a series of actions have been initiated to deal with the issue of skills mismatch on the job market. For instance -

- (a) The HRDC is currently conducting Skills Studies in various economic sectors, including those sectors identified as growth poles in line with the Government's Vision 2030.
- (b) The HRDC also organises skills interface platforms with the universities and industry associations to strengthen their linkage.

- (c) The HRDC is implementing the Graduate Training for Employment Scheme where the collaboration between the industry and university has been reinforced and the National Skills Development Programme (NSDP) where youth will be trained in 4 sectors namely: ICT, Tourism and Hospitality, Nursing and Paramedics and Construction.

VACOAS & CANDOS – ROADS - REINSTATEMENT

(No. B/986) Mr S. Fowdar (Third Member for Grand’Baie & Poudre d’Or) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the roads in Vacoas and Candos where water works are presently being carried out, he will, for the benefit of the House, obtain from the Central Water Authority, information as to when same will be resurfaced.

Reply: I am informed by the Central Water Authority that works in the regions of Vacoas and Candos are being carried out under two pipe replacement projects namely along John Kennedy Avenue and in Solferino (from Diolle to Paillotte) respectively. Pipelaying works under the two projects were completed in October 2016.

I am further informed that with regard to the project at John Kennedy Avenue, about 16.6 km over a total length of 18 km have already been reinstated. The remaining 1.4 km will be reinstated by end November 2016.

As regards works in Solferino, about 20 km over a total length of 30 km has been reinstated. The reinstatement of the remaining 10 km will be completed by mid-December 2016.

MUNICIPAL COUNCIL OF PORT LOUIS – EMPLOYEES - LAID OFF

(No. B/988) Mr A. Ameer Meea (Second Member for Port Louis Maritime and Port Louis East) asked the Minister of Local Government whether, in regard to the employees of the Municipal Council of Port Louis, he will, for the benefit of the House, obtain from the Council, information as to the number thereof having been laid off since January 2015 to date, indicating in each case the reasons therefor.

Reply: I am informed by the Municipal City Council of Port Louis that four employees have been laid off since January 2015 to date.

I am arranging for the information requested for to be placed in the Library of the National Assembly.

ENERGY SERVICES DIVISION – OFFICERS - TRAINING

(No. B/989) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Energy Services Division, he will state where matters stand as to the proposal for the provision of training to officers therefor to increase their capacity to satisfy the requirements of all the Ministries and Departments.

(Withdrawn)

CEB - ELECTRICITE DE FRANCE - CONTRACTS

(No. B/990) **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 *Electricité de France* (EDF), he will, for the benefit of the House, obtain from the Central Electricity Board, information as to, since January 2015 to October 2016, the –

- (a) number of contracts awarded thereto, and
- (b) amount of fees paid thereto.

(Withdrawn)

GRAND BOIS – CEMETERY - HINDU SECTION - FENCING

(No. B/991) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Local Government whether, in regard to the Hindu Section of the cemetery of Grand Bois, he will state if consideration will be given for fencing works to be carried out thereat.

(Withdrawn)

DEEP OCEAN WATER APPLICATION PROJECT - IMPLEMENTATION

(No. B/992) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the contract awarded to Messrs Sotravic for the Deep Ocean Water Application (DOWA) Project, he will state where matters stand as to the implementation thereof.

Reply: I am informed that the Deed of Concession between the Government of Mauritius and Urban Cooling for the implementation of the Deep Ocean Water Application (DOWA) Project which is estimated to be to the tune Rs2.1 Billion was signed on 23 December 2015.

Urban cooling has started the survey of private and public buildings in Port Louis to gather technical details for the onshore component of the project. The survey with regards to public buildings is being carried out in collaboration with the Ministry of Public Infrastructure and Land Transport. These Surveys will last up to January 2017.

Parallel to the onshore Surveys being undertaken, Urban Cooling Ltd is undertaking a marine survey in the Port Area for the purpose of designing the offshore component of the project including pipe layout since 21 October 2016. The marine survey will be completed by the end of this month. It would be worth mentioning that this component of the project, ie, marine survey has been wholly financed by the African Development Bank to the tune of USD 1 Million.

The implementation of the DOWA project will enable the implementation of downstream activities including bottling of desalinated water, aquaculture, thalasso therapy etc., while taking advantage of the pumped seawater.

According to the promoter Urban Cooling, the next phases of the project will be -

- (i) Application of an EIA Licence by end of 2016;
- (ii) Start construction working by end of 2017;
- (iii) Operate DOWA by end of 2018.

To ensure the successful implementation of the project, a fast track committee has been set up at the level of the Prime Minister's Office.

SOCIAL NETWORK USERS - DEFAMATION

(No. B/993) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Technology, Communication and Innovation whether, in regard to defamation, libel and slander perpetrated by social network users/subscribers, he will state if

–

- (a) an assessment of the incidence thereof has been effected;
- (b) the social networks are monitored to detect habitual perpetrators/offenders, and
- (c) consideration is being given for a toughening of the legislation in relation thereto.

(Withdrawn)

SECONDARY SCHOOLS - ABSENTEEISM

(No. B/994) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to absenteeism at secondary school level, she will state if, prior to the arbitrary imposition of attendance requirement and of other punitive actions, consideration will be given for the –

- (a) commissioning of an in-depth study thereinto, and
- (b) carrying out of consultations with all the stakeholders in relation thereto.

Reply: Regular school attendance is an inherent feature of scholastic life. In any educational system, schools have the responsibility of providing quality education while the students have the responsibility to be in attendance.

Our student attendance policy is primarily aimed at promoting a culture of regularity and punctuality and not the imposition of arbitrary attendance requirement or punitive actions as stated.

Regarding part (a) of the question, there have been reflections and discussions on the matter with stakeholders involving participation of Rectors, Educators, Unions and students which have eventually led to the elaboration of the policy framework for the management of attendance of students. The document is available on my Ministry's website. We believe that it is time to deal with the matter promptly and situation calls for action now.

As far as part (b) of the question is concerned, let me reiterate, that the elaboration of this document has been undertaken only after wide consultations held with stakeholders concerned.

The support of all stakeholders particularly parents and PTA is also required to improve students' attendance levels throughout the year in schools. The school remains the place for learning and students have a duty to be present on the premises for the school to function effectively.

We also need to bear in mind the heavy investment that Government makes in the education sector.

MAURITIUS CONTAINER TERMINAL QUAY PROJECT - CONTRACT

(No. B/995) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the Mauritius Container Terminal Quay Project initiated by the Mauritius Ports Authority, he will, for the benefit of the House, obtain from the Authority, information as to where matters stand as to the proposed extension and strengthening thereof, indicating to whom the contract for the dredging in the port basin and access channel thereat has been awarded and the date the said contract was awarded.

(Withdrawn)

PLEIN BOIS/MALAKOFF - HOUSING PROJECTS - CONSTRUCTION

(No. B/996) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Plein

Bois/Malakoff, he will state if consideration will be given for the construction of social housing units thereat and, if so, indicate the targeted –

- (a) number thereof
- (b) types of units thereof and
- (c) beneficiaries thereof.

Reply: I wish to inform the House that 5A75 of land, belonging to Omnicane Ltd, has been identified for housing projects under the Government/MSPA Agreement at Plein Bois/Malakoff. Consultations with stakeholders are ongoing and soil test is being carried out for suitability of the site prior to proceeding with the acquisition of the land.

With regard to part (a) of the question, it is expected that 86 housing units will be constructed in the region of Plein Bois at an estimated cost of Rs120 m.

With regard to part (b) of the question, each housing unit will be of some 50 square metres, comprising two bedrooms, a dining and living room, a kitchen and a bathroom and toilet. The housing units are being constructed on housing estates where social facilities, leisure and recreational amenities and green space/landscaping are provided.

With regard to part (c) of the question, the beneficiaries of these housing units will be those eligible applicants registered at the National Housing Development Co. Ltd.

I also wish to inform the House that in the region of Mahebourg/Plaine Magnien –

- 93 housing units have been constructed and 60 serviced lots have been provided since January 2015 at a total cost of Rs97.1 m.;
- 73 housing units of 50 square metres each are currently under construction in this region and 13 serviced lots will be provided by January 2017 at a total cost of Rs88.4 m., and
- 571 additional housing units of 50 square metres each will be constructed during the period 2017-2019 at a cost of Rs799.8 m.

PLEIN BOIS – PAVEMENTS - CONSTRUCTION

(No. B/998) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the construction of pavements along the classified road at Plein Bois, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand, indicating the expected start and completion dates thereof.

Reply: I am informed by the Road Development Authority that the classified road at Plein Bois, which is of approximate length of 1.2km, lies along La Barraque Road (B8), which extends from Gros Bois to Rivière des Anguilles.

I am further informed that, on 14 November 2016, the RDA awarded the contract for the construction of footpath over a stretch of 600m from Plein Bois towards Malakoff southbound to Transinvest Construction Ltd, under the Framework Agreement, for an amount of Rs3.7 m. inclusive of VAT.

Works will start on 25 November 2016 and the project is expected to be completed by 30 January 2017.

LAND SURVEYOR'S COUNCIL - SETTING UP

(No. B/999) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the proposed setting up of the Land Surveyor's Council, he will state where matters stand.

Reply: I wish to invite the hon. Member to refer to P.Q. B/316 wherein I stated that a team has been set up to work out all implications for the proclamation of the relevant Sections of the Professional Land Surveyors' Council Act for the establishment of the Land Surveyor's Council.

The Technical Committee comprises the Chief Technical Officer, Chief Surveyor, Principal Surveyors, Surveyors, the Senior Adviser of the Ministry and a representative of the State Law Office.

The Professional Land Surveyors' Council Act 2014 was assented to by the Acting President of the Republic on 01 August, 2014 and published in the Government Gazette of 02 August, 2014.

According to Section 52, the Act shall come into operation on a date to be fixed by Proclamation or different dates may be fixed for the coming into operation of the different sections of the Act.

Since I have assumed responsibilities as Minister of Housing and Lands, I have requested the Survey Division to initiate action for the proclamation of the Council, which is the first step to enforce this Professional Land Surveyor's Council Act.

In view of the complexity of all the technical and administrative pre-requisites for the establishment of the Council, my Ministry is still in consultation with the State Law Office. Regulations will have to be introduced to enforce and implement the provisions of the Act and existing Laws will have to be amended consequential to the proclamation of the relevant sections.

Such laws include, *inter alia*, Land Acquisition Act, Affidavits of Prescription Act, Cadastral Survey Act, Registration Duty (Site Plan) Regulations 1991 and the Cadastral Survey (Land Surveys) Regulations 2013.

The team set up to work out all implications has come up with the following pre-requisites -

- All surveyors will need to follow a Bachelor Course as opposed to the present Diploma Course. This is also a recommendation of the Commission of Enquiry on Prescription.
- New Procedures for Commissioning of Surveyors will have to be worked out.
- A Code of Practice and a list of Offences will have to be established through regulations.
- Related existing laws will need to be amended.
- Consultations have to be initiated with private surveyors.
- The administrative set up of the Council has to be worked out.
- The profile and duties of the Registrar are being worked out.

Some of the above prerequisites also warrant that consultations be held with other Ministries such as Ministry of Civil Service and Administrative Reforms, Ministry of Finance and Economic Development and Ministry of Financial Services, Good Governance and Institutional Reforms.

It is expected that Regulations pertaining to the establishment of the Council will be finalised by mid next year.

PROVISIONAL CHARGES - LODGING

(No. B/1000) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Attorney-General whether, in regard to the practice of lodging provisional charges, he will state when measures will be taken to put an end thereto.

Reply: I am pleased to inform the House that Government has taken a policy decision with regard to abolishing provisional information in line with its commitment set out at paragraph 132 of the Government Programme 2015-2019, which reads as follows with regard to dealing with provisional information -

“132. Government will come up with a modern legal framework modelled on the UK Police and Criminal Evidence Act to address the abusiveness and arbitrariness of the present system of “provisional charges.”

I can further inform the House that Government has agreed to the release on a confidential basis, for consultation with the Judiciary, the Police, the DPP and the Mauritius

Bar Association, the working draft of the Police and Criminal Evidence (PACE) Bill.

Member of the legal profession, especially barristers, will be aware that the Secretary to the Mauritius Bar Association has communicated to members of the Mauritius Bar Association, a working draft of the PACE Bill on a confidential basis and for discussion purposes. Together with the PACE Bill, the Secretary of the Mauritius Bar Association communicated to members of the Mauritius Bar Association, the CV of Sir Geoffrey Rivlin QC, whose services have been put to the disposal of Government by the Commonwealth Secretariat.

Sir Geoffrey Rivlin QC had an inception visit in Mauritius in July 2016 during which he held consultations with my Office, the DPP, the Commissioner of Police and the Bar Council. Sir Geoffrey Rivlin QC will be in Mauritius from 26 November 2016 to 3 December 2016 to finalise his consultations and one of the highlights of that visit would be a debate with members of the Bar either on 30 November 2016 or 1 December 2016.

I have to stress that Sir Geoffrey Rivlin will spend 2 days with the Office of the DPP and Police Officers to finalise Codes of Practice during his visit to Mauritius this month.

Government is serious about abolishing provisional information in Mauritius and Government will deliver on the commitment. Those who have been given a copy of the Bill on a confidential basis can vouch for that.

After the visit of Sir Geoffrey Rivlin QC this month and after studying the issues raised by various stakeholders, my Office will finalise the PACE Bill and introduce it in the National Assembly by mid next year.

METRO EXPRESS PROJECT - BUS INDUSTRY WORKERS - CONSULTATIONS

(No. B/1002) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state if his Ministry has held consultations with the Bus Industry Workers and with their Union representatives, indicating the expected impact thereof on the workers of the Bus Industry.

Reply: The Metro Express Project is being implemented following a Feasibility Study which was carried out by the Singaporean Cooperation Enterprise (SCE) in October 2012. The study covered, *inter alia*, transport planning and modelling.

It took into account all relevant aspects and elements, including the volume of bus passenger traffic along the Curepipe-Port Louis corridor as well as its impact on the transport

demand on other bus routes. Recommendations of the Study include reorganisation and re-engineering of existing Bus Routes and setting up of a feeder system.

The Government has decided to implement the Metro Express as a component of the wider Integrated National Transport Network Project, the objective of which is to provide Mauritius with a modern, efficient, reliable, comfortable and safe integrated transport system, together with its network of urban terminals.

My Ministry has commissioned a Study on Re-Engineering the Public Transport Industry in Mauritius. In light of the recommendations thereof, the Public Transport System will be re-engineered with a view to making it more cost effective, reliable and comfortable.

The implementation of the National Transport Network Project, with Metro Express as one of the Major components and the implementation of the recommendations of the Public Transport System, the Transport sector will undergo a major transformation, involving, *inter alia*, re-engineering of bus routes and schedules. In this process, the National Transport Authority, as regulator of the public transport industry will be called upon to carry out consultation with the bus operators as well as with bus industry workers in order to bring all stakeholders on board.

FISHERMEN INVESTMENT TRUST - PROJECTS

(No. B/1003) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the Fishermen Investment Trust, he will, for the benefit of the House, obtain therefrom, information as to, since March 2016 to date, the –

- (a) number of
 - (i) projects finalized, and
 - (ii) fishing boats constructed, indicating the name of the beneficiaries thereof and
- (b) composition of the Board thereof, indicating the number of meetings held.

Reply: In my reply to PQ B/253 of 19 April 2016, I informed the House of the precarious financial situation which the Fishermen Investment Trust (FIT) has been facing since 2014. As a consequence of a lack of financial resources the FIT could not embark on any project since then.

I am informed that the Board of the FIT at its last meeting held on 07 October 2016 approved a Business Plan comprising three projects. The Business Plan will be submitted to

my Ministry and to the Ministry of Finance and Economic Development for funding purposes.

With regard to part (a) (ii) of the question, the FIT has not allocated any contract for the construction of new fishing boats since March 2016 to date.

As regards part (b) of the question, the board of the FIT is presently constituted of 6 members, as follows -

- one representative from my Ministry responsible for the subject of fisheries;
- one representative from my Ministry responsible for the subject of shipping;
- one representative from my Ministry delegated by the Outer Islands Development Corporation;
- one representative from the Ministry of Finance and Economic Development, and
- two other persons having experience in administrative, economic, financial or commercial matters or in matters relating to the fishing industry

Concerning the last part of the question, the Board of the FIT has met only once, on the 7th of October 2016, since March 2016.

FISHING AGGREGATE DEVICES – SET UP

(No. B/1004) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the Fishing Aggregate Devices, he will state the number thereof

–

- (a) in service over the past five financial years and
- (b) repaired over the past two years.

Reply: The Fish Aggregate Devices (FADs) have been set up at 28 selected sites around Mauritius.

FADs are subject to wear and tear due to the dynamic sea environment particularly during rough sea conditions coupled with intense fishing activities. Consequently, regular repairs and maintenance have to be undertaken. Lost FADs are reset in the same location.

The number of FADs in service over the last five financial years are as follows-

Year	Number of FADs in service
2012	21
2013	20

2014	18
2015	21
2016 (to date)	18

With regard to part (b) of the question, I am informed that the number of FADs that were repaired over the past two years, i.e. year 2014 and 2015 are -

Year	Number of FADs Repaired/Reset
2014	22
2015	23

PESTICIDES, HERBICIDES & FERTILIZERS - LEGISLATION

(No. B/1005) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Agro-Industry and Food Security whether, in regard to the use of pesticides, herbicides and fertilizers in the growing of vegetables in Mauritius, he will state if it has been established that the use thereof is one of the cause factors for the high level of cancer in Mauritius and, if so, indicate if consideration will be given for the introduction of appropriate legislation and the setting up of a mechanism for the control thereof.

(Withdrawn)

RIAMBEL - AFRICAN TOWN - SQUATTERS

(No. B/1006) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the squatters of the African Town, in Riambel, whose situation has been regularised by the Ministry of Housing and Lands, he will, for the benefit of the House, obtain from the Central Electricity Board and from the Central Water Authority respectively, information as to where matters stand as to the supply of electricity and of water thereto.

Reply: I have been informed by the Ministry of Housing and Lands that on 05 November 2015, it issued Letter of Intent to 62 squatters of African Town in Riambel and that 43 lease agreements will be finalised upon compliance with the conditions stipulated in the Letter of Intent. The remaining 19 have not submitted the relevant documents for the lease agreements.

As regards the supply of water, I am informed by the Central Water Authority that it has received 35 applications for water supply. There is need to extend the existing service

main over a length of approximately 300 metres. The pipe laying works are expected to be completed by end of November 2016 and the connections will then be made, upon payment of the new supply connection fee.

As far as electricity supply is concerned, I am informed by the Central Electricity Board that it has received 58 applications and it will carry out works to extend its grid to the site and connect the applicants as soon as the lease agreements are finalised.

LAND RESEARCH AND MEDIATION COMMISSION – LAND DISPOSSESSION

(No. B/1007) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Attorney General whether, in regard to the files of the families who have been dispossessed of their lands and which have been referred to his Office by the Land Research and Mediation Commission, he will state where matters stand.

Reply: The House will recall that the hon. Second Member for Savanne and Black River has, at past sittings, asked similar questions relating to the same subject matter.

In that regard, the hon. Deputy Prime Minister, Minister of Tourism and External Communications gave an oral reply to Parliamentary Question B/983 and B/984 at the sitting of 24 November 2015 and I provided a written reply to Parliamentary Question B/560 set for the sitting of 7 June 2016.

The hon. Deputy Prime Minister, Minister of Tourism and External Communications has clearly explained in his reply to Parliamentary Question B/983 and B/984 that the Land Research and Mediation Unit has started its work on 16 November 2015 and has continued that of the Land Research and Mediation Commission.

During its subsistence, the Land Research and Mediation Commission has only produced an interim report.

As indicated in my reply to Parliamentary Question B/560, my Office has examined the interim report of the Land Research and Mediation Commission and has, on 20 January 2016, tendered advice to the effect that –

“3. We have noted that the facts in a number of cases in the report date back to quite some time. Although, there is in principle no prescription period for lodging a criminal prosecution, there is the risk of proceedings being stayed for abuse of process on the grounds of delay. In any event, the decision to prosecute rests with the Director of Public Prosecutions and where it is felt that a criminal offence may have been committed, the matter may be referred to the police for enquiry and

eventual prosecution by the Office of the Director of Public Prosecutions. As far as we are concerned, upon perusing the Report, we have not encountered cases that could be the object of criminal prosecutions.

4. We have not been requested for advice on civil claims. Nonetheless, for the sake of completeness, we observe that the cases relate to land disputes and the prescription time for such matters to be actionable is 30 years. In a number of cases in the Report, the 30-year period has been exceeded. In any event, it will be for an aggrieved party to exercise his rights in a civil claim and enter a case before the appropriate court.”

FOOT AND MOUTH DISEASE - FARMERS/BREEDERS - ASSISTANCE

(No. B/1008) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Agro-Industry and Food Security whether, in regard to the farmers/breeders affected by the Foot and Mouth Disease, he will state the mechanism and facilities put in place by his Ministry to help their respective businesses.

(Withdrawn)

LE MORNE CULTURAL LANDSCAPE

(No. B/1010) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the hiking trail which leads to the top of Le Morne Mountain, he will state if his Ministry proposes to transform same into a *chemin de pèlerinage* rather than a tourist attraction.

Reply: Le Morne Cultural Landscape is a listed World Heritage Site since 2008 for its Outstanding Universal Value. An access has been opened to the public since July 2016. As a universal heritage for mankind, both the International Community and Mauritians have the right of access to the site. The need to transform the trail into a *chemin pèlerinage* rather than a touristic attraction does not arise as many Mauritians are already visiting the site to pay tribute to their ancestors.

I wish to inform the House that in line with established procedures of UNESCO, an Advisory Mission comprising two experts from UNESCO and the International Council of Monuments and Sites (ICOMOS) is presently in Mauritius to advise on the latest management tools of World Heritage Sites.

LA CHAUMIÈRE – SOLID WASTE RECYCLING LTD – FIRE OUTBREAK

(No. B/1011) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Local Government whether, in regard to the recent fire outbreak that originated from La Chaumière Transfer Station, he will, for the benefit of the House, obtain from the Mauritius Rescue and Fire Services, information as to –

- (a) if the causes thereof have now been established and
- (b) the measures that are being taken to prevent the recurrence thereof having regard to the potential environmental hazards of the said station.

Reply: I am informed by the Mauritius Fire and Rescue Service that fire, in fact, broke out at the premises of the Solid Waste Recycling Ltd, La Chaumière, and not at the Transfer Station on Wednesday 05 October 2016 around 19.33 hrs as reported by the Company.

I am informed that the causes of the fire outbreak are still being looked into by the competent authority.

LA VIGIE-LA BRASSERIE-BEAUX SONGES LINK ROAD - IMPLEMENTATION

(No. B/1012) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Beaux Songes-La Vigie Link Road Project, he will state the –

- (a) status thereof;
- (b) name of the consultant thereof, indicating the fees payable thereto, and
- (c) total cost thereof.

Reply: I am informed by the Road Development Authority (RDA) that the proposed “La Vigie-La Brasserie-Beaux Songes Link Road” is about 16 km in length and will bypass the western conurbation of Plaines Wilhems providing with a direct link between the south and the west of Mauritius. The proposed road alignment extends from the Beaux Songes Roundabout along the Holyrood Road before passing through the village of Henrietta, La Marie and Bigara to end on the La Vigie Roundabout.

With regard to parts (a) and (b) of the question, I am informed by the RDA that, following a Request for Proposal exercise carried out in November 2015, Luxconsult (Mtius) Ltd was appointed in April this year, to carry out the feasibility study and detailed design for the project at the contract price of MUR 5,665,000 and EURO 188,850 (VAT Exclusive)

I am further informed that the Consultant has completed the feasibility study, including the EIA and the proposed alignment. The Report is being examined by the Road Development Authority and upon approval thereof, the Consultant will proceed with the

detailed engineering design and the preparation of the bidding documents which are expected to be completed in three months.

As regards part (c) of the question, I am informed by the RDA that the project is planned to be implemented in two phases as follows -

Phase I from Beaux Songes to La Marie, and

Phase II from La Marie to La Vigie Roundabout.

The cost of the project is being worked out and the required funding will be sought in the next budget to start the construction works.