



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 27 MARCH 2018

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THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
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
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Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
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Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
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Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance
Hon. Mrs Roubina Jadoo-Jaunbocus	Minister of Gender Equality, Child Development and Family Welfare

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Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 01 of 2018

Sitting of Tuesday 27 March 2018

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

The National Anthem was played

(Madam Speaker in the Chair)

ADMINISTRATION OF OATH TO MEMBER

Dr. the hon. Arvin Boolell, GOSK, made and subscribed before the Assembly the Oath of Allegiance prescribed in Schedule 3 to the Constitution and signed the Roll of Membership.

ANNOUNCEMENTS

OBITUARY – MR NUNDKESWARSINGH DEERPALSINGH

Madam Speaker: Hon. Prime Minister!

The Prime Minister: Madam Speaker, may I take the time of the House for an announcement!

Madam Speaker, it is with deep regret that we have learnt of the demise of Mr Nundkeswarsingh Deerpalsingh on 09 February 2018 at the age of 70.

Mr Nundkeswarsingh Deerpalsingh, commonly known as Kishore Deerpalsingh, was born on 23 October 1947 at Camp des Routes, Bel Ombre Sugar Estate. He attended the Chemin Grenier Government School for his primary education and attended Newton College and St Mary's College for his secondary education. He pursued his tertiary education in England. In 1972, he graduated with a Bachelor of Science from the University of London and one year later he became the holder of a Master of Science from the Polytechnic of North London. In 1981, he obtained a Postgraduate Diploma in Electronics from the University of Southampton. In the year 2000, Mr Deerpalsingh was awarded the Honoris Causa by the Middlesex University.

Madam Speaker, Mr Deerpalsingh was a man of many skills. He had a very rich and diversified professional career. He worked as Engineer at Litronix Company in 1976. From 1976 to 1982, he was a Senior Lecturer in Electronics at the University of Mauritius. Mr Deerpalsingh was engaged in agriculture, particularly in urban hydroponic cultivation. He launched his own business in 1991 and became the Managing Director of K.D. Enterprise Ltd. He also tried his luck in the catering trade, and from 2001 to 2010, he was the owner of Restaurant Tropicale.

Madam Speaker, Mr Deerpalsingh started his political career in 1976 with Labour dissidents who eventually founded the Parti Socialiste Mauricien. In 1982, he became the Secretary General of the Party. The same year, he participated in the general elections under

the banner of the MMM/PSM Alliance in Constituency No. 14 - Savanne and Black River, and was elected. From June to December 1982, he held the portfolio of Minister of Agriculture, Fisheries and Natural Resources. Mr Deerpalsingh was also a founder member of the MSM and ran for the 1983 general elections under the banner of MSM/Labour Alliance in the same Constituency and was again elected. He was once again called upon to hold the portfolio of the Ministry of Agriculture, Fisheries and Natural Resources, a post which he held until he left Government in July 1986. He did not participate in the 1987 general elections.

Mr Deerpalsingh joined the Labour Party in 1991 and contested the 1991 general elections in Constituency No. 13 - Rivière des Anguilles and Souillac, under the banner of the Labour/PMSD Alliance, but was not returned. He also contested the 1995 general elections under the banner of the Labour/MMM Alliance in Constituency No. 13 - Rivière des Anguilles and Souillac, and was returned First Member. From July 1997 to September 2000, Mr Deerpalsingh was Minister of Health and Quality of Life. After the year 2000, he retired from active politics.

Madam Speaker, May I kindly request you to direct the Clerk of the National Assembly to convey to the bereaved family the condolences of the Assembly.

Thank you.

The Leader of the Opposition (Mr X. L. Duval): Madam Speaker, I associate myself to the tribute paid by the hon. Prime Minister to the memory of late Mr Kishore Deerpalsingh.

Mr Kishore Deerpalsingh was an influential inhabitant in my Constituency, Belle Rose and Quatre Bornes, and remained in good terms all through his life. As Minister of Agriculture and Minister of Health, he brought a number of innovations such as the SAMU, which were and still are fully appreciated by the public. May I also request you to direct the Clerk to convey our sincere condolences to the bereaved family.

Madam Speaker: Hon. Members, I associate myself to the tribute paid to late Mr Nundkeswarsingh Deerpalsingh by the hon. Prime Minister and the Leader of the Opposition, and I direct the Clerk to convey to the bereaved family the condolences of the Assembly.

**NATIONAL ASSEMBLY - MRS SVETLANA ZHUROVA - RUSSIAN FEDERATION
STATE DUMA - VISIT**

Madam Speaker: Hon. Members, I am pleased to announce the presence in our midst this morning of Mrs Svetlana Zhurova, the first Deputy Chairperson of the International Relations Committee of the State Duma of the Russian Federation. Mrs Zhurova is on official visit to Mauritius in the context of the events dedicated to the 50th Anniversary of the establishment of diplomatic relations between our two countries. On behalf of hon. Members and in my own name, I extend a warm welcome to Mrs Zhurova and wish her a pleasant stay in Mauritius.

PAPERS LAID

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

A. Office of the Speaker

The Second Report of the Public Accounts Committee of the First Session of the Sixth National Assembly.

B. Prime Minister's Office

- (a) Certificate of Urgency in respect of the following Bills (In Original):
 - (i) The Judicial and Legal Provisions Bill (No I of 2018) and
 - (ii) Pouce Stream (Authorised Construction) (Amendment) Bill (No. II of 2018)
- (b) The Annual Report 2016/2017 of the Procurement Policy Office.
- (c) Digest of Productivity and Competitiveness Statistics 2016.
- (d) Digest of Road Transport and Road Accident Statistics 2016.
- (e) The Public Procurement (Amendment No. 4) Regulations 2017 (Government Notice No. 248 of 2017)
- (f) The Annual Report 2016-2017 of the Central Procurement Board.
- (g) Digest of Statistics on Rodrigues 2016.
- (h) The Annual Report and Audited Accounts of the Mauritius Broadcasting Corporation for the Year 2014.
- (i) Statistics Mauritius 2013 Census of Economic Activities Phase 2 – Large Establishments
- (j) The Financial Statements and Audited Reports of the Prime Minister's Cyclone Relief Fund for the 18-month period ended 30 June 2016. (In Original)
- (k) Virement Warrant Return – Quarter 2 (October – December 2017) Nos 9-10 (In Original)
- (l) Virement (Contingencies) Warrant-Quarter 2 (October to December 2017) Nos 4-8 (In Original)
- (m) Virement Certificates Return Quarter 2 (October – December 2017) Certificates Nos 3,1, 2-3, 1-2, 1, 1, 1, 3-5, 1, 1-2, 1-4, 3-7, 5-13, 1-3, 1-2,1,1-2,1, 2-3,2,1 and 2. (In Original)
- (n) The Financial Reporting (International Standard on Auditing 701) Rules 2017. (Government Notice No. 253 of 2017)
- (o) The Double Taxation Avoidance Agreement (Jersey) Regulations 2017. (Government Notice No. 4 of 2018)
- (p) The Investment Promotion and Protection Agreement (Republic of Cabo Verde) Regulation 2017. (Government Notice No.5 of 2018)

- (q) The Income Tax (Convention on Mutual Administrative Assistance in Tax Matters) (Amendment) Regulation 2017. (Government Notice No.6 of 2018)
- (r) The Statutory Bodies Pension Funds (Amendment of Schedule) Regulations 2018. (Government Notice 16 of 2018)
- (s) The Ports (Amendment of Schedule) Regulations 2018 (Government Notice No.18 of 2018)
- (t) The Income Tax (Amendment) Regulations 2018. (Government Notice No.19 of 2018)
- (u) The Income Tax (Country-by-Country Reporting) Regulations 2018 (Government Notice No.20 of 2018)
- (v) The Economic Development Board (Amendment of Schedule) Regulations 2018 (Government Notice No.21 of 2018)
- (w) The Income Tax (Amendment of Schedule) Regulation 2018. (Government Notice No.22 of 2018)
- (x) The Land (Duties and Taxes) (Amendment of Schedule) Regulations 2018. (Government No.23 of 2018)
- (y) The Report on the accounts of the Republic of Mauritius for the financial year 01 July 2016 to 30 June 2017.
- (z) The Report on the accounts of the Rodrigues Regional Assembly for the financial year 01 July 2016 to 30 June 2017.
- (aa) The National Audit Office Activity and Performance Report 2016-2017.
- (bb) The Certified Annual Statements of the Government of the Republic of Mauritius for the year ended 30 June 2017.
- (cc) The Certified Annual Statements of the Rodrigues Regional Assembly for the year ended 30 June 2017.
- (dd) The Performance Audit Reports – (i) Asset Management in Local Authorities (December 2017); (ii) Management of the Fleet of VIP vehicles (iii) Prevention and Control of Non –Communicable Diseases, and (iv) Responses to cases of Child MalTreatment.
- (ee) The Annual Report of the Development Bank of Mauritius Ltd for the financial year ended 30 June 2017.
- (ff) The Sugar Insurance Fund (Reduced General Insurance Premium) Regulations 2018 (Government Notice No.30 of 2018)

C. Ministry of Energy and Public Utilities

The Annual Report of the Utility Regulatory Authority for the Financial Year July 2016 to June 2017.

D. Minister Mentor’s Office, Ministry of Defence and Ministry for Rodrigues

- (a) The Annual Report 2016 of the Probation and Aftercare Service.

- (b) The Audited Financial Statements of the Discharged Persons' Aid Committee for the 18 months of period ending 30 June 2016.

E. Ministry of Local Government and Outer Islands

- (a) The District Council of Grand Port (Fees for Building and Land Use Permit and other fees at the level of Land Use and Planning Department) Regulations 2017(Government Notice No.2 of 2018)
- (b) The Municipal Town Council of Beau Bassin – Rose Hill – names of Public places regulations within the Township (Government Notice No.9 of 2018)
- (c) The District Council of Moka (Fair) Regulations 2017 (Government Notice No.10 of 2018)
- (d) The District Council of Black River (Collection and Disposal of Refuse) Amendment Regulations 2017. (Government Notice No.17 of 2018)

F. Ministry of Housing and Lands

The Land (Duties and Taxes) (Amendment of Schedule) Regulations 2018 (Government Notice No.23 of 2018)

G. Ministry of Public Infrastructure and Land Transport

- a. The Road Traffic (Amendment)Regulations 2018 (Government Notice No.24 of 2018)
- b. The Road Traffic (Amendment of Schedule) Regulations 2018 (Government Notice No. 25 of 2018)
- c. The Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2018 (Government Notice No.26 of 2018)
- d. The National Transport Corporation Annual Report 2013.

H. Ministry of Technology, Communication and Innovation

- a. The Seventh Annual Report of the Data Protection Office for periods January to December 2015.
- b. The Eighth Annual Report of the Data Protection Office for the period January to December 2016.

I. Ministry of Tourism

The Tourism Authority (Designation and Regulation of Embarkation Points of Pleasure Craft for Commercial Purposes) Regulations 2017(Government Notice No 251 of 2017)

J. **Ministry of Health and Quality of Life**

- a. The Pharmacy Council (Levying of Fees and Registration of Pharmacists) Regulations 2017 (Government Notice No. 249 of 2017)
- b. The Medical Council (Medical Institutions) (Amendment No. 13) Regulations 2017. (Government Notice No. 250 of 2017)

K. **Ministry of Arts and Culture**

- a. The Financial Statements of the Mauritius Tamil Speaking Cultural Centre Trust for the year ending 30 June 2006, 2007, 2008, 2009 and for the 18 months period from 01 July 2009 to 31 December 2010.
- b. The Financial Statements of the African Cultural Centre Trust Fund for the years ended 30 June 1996 and 1997.
- c. The Financial Statements of the Nelson Mandela Centre for African Culture Trust Fund for the years ended 30 June 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, for the years ended 31 December 2009 and 31 December 2010
- d. The Annual Report and Financial Statements of the English Speaking Union for the period 01 January 2016 to 30 June 2017.

L. **Ministry of Agro-Industry and Food Security**

- a. The Terminal Report of the Ex-Tea Board for the period of 01 January 2013 to 25 November 2013.
- b. The Mauritius Agricultural Marketing (Cess) Regulations 2017. (Government Notice No.239 of 2017)
- c. The Annual Report 2013 of the Small Farmers Welfare Fund.
- d. The Animal Diseases (Amendment) Regulations 2018. (Government Notice No.15 of 2018)
- e. The Shooting and Fishing Leases (Amendment of Schedule) Regulations 2018. (Government Notice No.27 of 2018)
- f. The Shooting and Fishing Leases (Eco-tourism Activities) (Fees) Regulations 2018 (Government Notice No.28 of 2018)

M. **Ministry of Industry, Commerce and Consumer Protection**

- a. The Consumer Protection (Consumer Goods) (Maximum Mark-Up) (Amendment No. 2) Regulations 2017 (Government Notice No. 238 of 2017)

- b. The Consumer Protection (Control of Price of Petroleum Products) (Amendment No. 3) Regulations 2017. (Government Notice No. 240 of 2017)
- c. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 47) Regulations 2017. (Government Notice No. 241 of 2017)
- d. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 48) Regulations 2017. (Government Notice No. 242 of 2017)
- e. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 49) Regulations 2017. (Government Notice No. 243 of 2017)
- f. The Consumer Protection (Control of Price Taxable and Non-Taxable Goods) (Amendment No. 4) Regulations 2017. (Government Notice No. 244 of 2017)
- g. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 50) Regulations 2017. (Government Notice No. 245 of 2017)
- h. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 51) Regulations 2017. (Government Notice No. 246 of 2017)
- i. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 52) Regulations 2017. (Government Notice No. 247 of 2017)
- j. The Annual Report of the State Trading Corporation for the Year 2015.
- k. The Consumer Protection (Control of Imports) (Amendment No.2) Regulations 2017. (Government Notice No.254 of 2017)
- l. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 53) Regulations 2017. (Government Notice No. 255 of 2017)
- m. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment) Regulations 2018. (Government Notice No. 11 of 2018)
- n. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No.2) Regulations 2018. (Government Notice No. 12 of 2018)
- o. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No.3) Regulations 2018. (Government Notice No. 13 of 2018)
- p. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No.4) Regulations 2018. (Government Notice No. 14 of 2018)
- q. The Commodities (Indication of Origin) (Amendment) Regulations 2018. (Government Notice No. 29 of 2018)

- r. The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 5) Regulations 2018. (Government Notice No.31 of 2018)

N. **Attorney General's Office and Ministry of Justice, Human Rights and Institutional Reforms**

- a. The Annual Report 2015/16 of the office of Public Sector Governance.
- b. The Annual Report 2014 of the Office of Public Sector Governance.
- c. The Institution Agréees (Amendment No. 2) Regulations 2017. (Government Notice No.252 of 2017)

O. **Ministry of Labour, Industrial Relations, Employment and Training**

- a. The National Minimum Wage Regulations 2017. (Government Notice No.1 of 2018)
- b. The Export Enterprises (Remuneration Order) (Amendment) Regulations 2017 (Government Notice No. 7 of 2018)
- c. The Additional Remuneration and Other Allowances (2018) (Payment of Allowance) Regulations 2018 (Government Notice No.8 of 2018)

P. **Ministry of Financial Services and Good Governance**

The Financial Services (Administrative Penalties) (Amendment) Rules 2018 (Government Notice No. 3 of 2018)

ORAL ANSWERS TO QUESTIONS**ALVARO SOBRINHO CASE & RULE OF LAW - INQUIRIES**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the hon. Prime Minister, Minister of Home Affairs, External Communication and National Development Unit, Minister of Finance and Economic Development whether, he will state if he has taken cognizance of the public demand for a far ranging and complete Commission of Inquiry on the Alvaro Sobrinho affair and further state if the terms of the Commission of Inquiry, as announced on Friday 23 March instant, will be widened accordingly.

The Prime Minister: Madam Speaker, as Prime Minister and Head of Government, I have the privilege to be regularly informed of matters of national interest. One of those matters relates to the case of Mr Alvaro Sobrinho, which has been ventilated in the media and, on and off, subject of wild allegations by politicians of all shades.

Madam Speaker, as the House will recall, in my reply to the PNQ on 04 April 2017, I stated, *inter alia*, and I quote -

“Given that there are already various investigations being carried out by the Financial Services Commission and other bodies, including the CCID on alleged false and misleading statements made to the FSC in connection with a licence application by one of the companies of the Group, and also given the fact that local commercial banks are satisfied with the sources of funds, I consider that the setting up of a Commission of Inquiry is not justified. Madam Speaker, let me assure the hon. Leader of the Opposition and the House that no stone is being left unturned or shall be left unturned to establish the facts and the truth in the Alvaro Sobrinho case.”

Madam Speaker, I am informed that the application for an Investment Banking licence by Alvaro Sobrinho Africa Ltd was received by the FSC on 29 September 2016. The application was processed by the Licensing Cluster of the Commission as well as other relevant Supervision Clusters. It was then considered by the Applications Committee chaired by the then Acting Chief Executive of the Commission. I am further informed that this process took approximately two months and the Investment Banking licence was issued to ASA Ltd on 25 November 2016.

Following a series of media articles relating to the supposed legal advisor of ASA Ltd in March 2017, a complaint was lodged on 10 March 2017 by the FSC at the CCID on ASA Ltd for having potentially misled the Commission by providing false information, which is a serious criminal offence.

Following the criminal investigation conducted by the CCID, on 18 August 2017, the DPP decided to prosecute ASA Ltd based on the charges of 'making statement which it ought reasonably to know was misleading'.

As from September 2017, the FSC engaged with its international counterparts in Switzerland, Portugal and Angola to obtain further relevant information pertaining to the promoters of ASA Ltd.

As from 06 September 2017, the FSC equally entered into a process of obtaining the information with respect to the case lodged. I am informed that the FSC officially received the information from the DPP's Office on Thursday 15 March 2018.

In line with its statutory objectives, the FSC has, according to prevailing legislative framework, already initiated relevant enforcement actions against ASA Ltd since 19 March 2018.

Madam Speaker, as part of this enforcement process, I am further informed that the FSC has, today, already proceeded with the suspension of the Investment Banking licence of ASA Ltd.

Madam Speaker, the nation has been taken aback by the Platinum Card case, where numerous allegations have been made in the Press against Mrs Ameenah Gurib-Fakim, former President. Events that unfolded led to her resignation, which I believe was the best choice for the country.

Recent events have brought new facts to light. These events, Madam Speaker, have shown that unscrupulous individuals in this country are bent upon subverting the rule of law. Those unscrupulous persons have gone to the extent of attempting to destabilise our system of Government going against all established constitutional, legal, administrative and conventional procedures in our country.

In the light of the said recent events, Government has decided that a Commission of Inquiry be set up to enquire and report on such an attempt to circumvent the rule of law in our country.

It is evident, Madam Speaker, that my Government shall leave no stone unturned to uncover the truth and, therefore, this Commission of Inquiry will also enquire into matters incidental or ancillary to the matter to be enquired into and reported upon.

Madam Speaker, furthermore, on Friday 23 March, I also announced during my meeting with the Press that following allegations echoed in the Press over the preceding days and also those made by some Members of the Opposition, I decided to refer to the ICAC an anonymous letter, which beside the Leader of the Opposition, I too had received.

The letter listed a number of allegations on which the ICAC should enquire and which included those echoed in the Press and by some politicians.

I have no doubt that light will be shed on all the allegations when the ICAC enquiry is over.

Madam Speaker, section 12(2)(a) and (b) of the Commission of Inquiry Act provides that no evidence given before a Commission shall give rise to any civil or criminal proceedings other than a prosecution for perjury against any person giving such evidence or be admissible against any person in any civil or criminal proceedings, except in the case of a witness charged with having given false evidence before the Commissioner or Commissioners.

Pursuant to section (12)(2) of the Commission of Inquiry Act any evidence adduced before a Commissioner cannot, therefore, be relied upon to institute proceedings, criminal or civil, against any person. On the other hand, if an enquiry is conducted by the ICAC or the Police, any evidence obtained form the basis of an action to be initiated before a Court of law.

I am, therefore, of the view that initiating a Commission of Inquiry would only further drag matters and will not result in concrete action as opposed to an investigation conducted by the ICAC.

Madam Speaker, I, therefore, invite anybody who has any relevant information to come forward and give evidence before the ICAC.

No person should have any hesitation to give evidence as informers and witnesses who collaborate with ICAC enjoy protection as regards their identity and also protection from any civil or criminal suit pursuant to sections 48 and 49 of the Prevention of Corruption Act.

Mr X. L. Duval: Madam Speaker, let me firstly correct the hon. Prime Minister. I have not received any copy of any anonymous letter. I have received quite a few, but not that one. I am not aware of any other political party in the Opposition having received such a letter.

Madam Speaker, firstly, I would like to ask the hon. Prime Minister, since my PNQ of April 2017, the case for a Commission of Inquiry has been even more compelling with a number of our main institutions. Mr Sobrinho has created havoc in a number of our main institutions. In the FSC, four people, including the Solicitor General, have resigned; in the Board of Investment where an influential member has resigned; the President of Mauritius has resigned and the Governor of the Bank of Mauritius has said that his contract was not renewed because he was opposed - he said that publicly - to Mr Sobrinho.

Madam Speaker, all these things have happened since April 2017 and I put it to the Prime Minister that the case for a Commission of Inquiry into who is behind, who has his peddling influence, who is the corrupt person or persons behind Mr Alvaro Sobrinho, is even more compelling today.

The Prime Minister: Well, Madam Speaker, first of all, the letter that I had received mentioned that a copy has been sent to the Leader of the Opposition.

(Interruptions)

Well, I have transmitted a copy of the letter to ICAC.

(Interruptions)

Okay, I can table it! I have no problem!

The Leader of the Opposition has mentioned a number of things that have happened, but not for the same reason that he is saying. I have not been able to recall all what he was saying, but I can give him, at least, one when he alleged, that the Solicitor General has resigned because of this affair. The Solicitor General has resigned. I just want to quote what he, himself, has said in his letter that his current workload at the Attorney General's Office

recently made heavier upon his appointment as Board of Director of Metro Express Ltd and, therefore, he has no sufficient time to fulfil his responsibilities at this Commission. That is what he stated. So, he cannot know better than him! He becomes more Solicitor General than the Solicitor General, I hope!

The Leader of the Opposition made allegations that the – I can recall what he said just now – contract of the Governor of the Bank of Mauritius has not been renewed because of that. Well, I have not heard him saying that.

(Interruptions)

His contract has not been renewed. That's it! That is a decision taken by Government.

So, I consider whatever the Leader of the Opposition is saying as incorrect. I must say and I will not repeat again. He is talking of what has happened at the FSC. I have just answered that FSC has done and is doing its work and whenever there is anyone who is going against the provision of the Regulations of the FSC, against the law, that person or that body will be taken to task, and this is what is happening.

Mr X. L. Duval: Madam Speaker, may I remind the hon. Prime Minister that there is a number of licences that Mr Sobrinho holds, including a Management Company Licence. I look forward to the so-called anonymous letter to be tabled, Madam Speaker.

Madam Speaker, the Governor of the Bank of Mauritius did say in an interview that he became politically damaged goods because of the Alvaro Sobrinho affair. I will table that, Madam Speaker, if you wish.

Madam Speaker, I would like to ask the hon. Prime Minister whether he really wants us to believe that it is a coincidence that in the space of one week, the Solicitor General has a lot of workload, that same day that a Board resolution is being circulated to approve the reinstatement of the licences of Mr Sobrinho, and three days later, three other Board members of the FSC resigned also in advance of a Board meeting to reinstate Mr Sobrinho and that on the Saturday morning, the present Governor of the Bank of Mauritius is appointed just to make the quorum. Is this seriously going to make us believe that all these things in that one particular week of June 2017 is a complete coincidence and all these resignations have nothing to do with Mr Sobrinho, neither the resignation of Mr Leclézio from the Board of Investment?

The Prime Minister: Let me come back again to the letter. Probably, I should have to be advised whether I am entitled to table the letter since it has been handed over to ICAC.

(Interruptions)

Let me seek legal advice on that.

Now, talking about the members who have resigned, well, again, as I said, we all know that some members have been proposed in the past by the former Minister of Financial Services. Now, when he resigned, after some time, they have also followed suit. Again, there is number of reasons that they have mentioned in the letter of resignation. With regard to Mr Leclézio, well, I have no idea why he resigned at the Board of Investment.

Mr X. L. Duval: Madam Speaker, is the hon. Prime Minister aware that the public has absolutely no confidence in ICAC, especially when it is dealing with Government officials, especially after dozens of cases of irregularity, corruption, dealings in money, dozens of allegations have been made against Members of the Government and high public officials and ICAC has not found anything at all? I do not want to embarrass more than I should. I can take case by case of a number of people sitting in this House who have been investigated by ICAC and we have not heard anything since.

The Prime Minister: Madam Speaker, the hon. Member has been, in the past, a prominent Minister in different governments. He has been a Minister in the Labour/PMSD Government; he has been a Minister in the MSM/PMSD/ML Government. I have never heard him saying, at any time, that ICAC is this or that or whatever. Since he has become Leader of the Opposition, ICAC is no more trustworthy and this and that. We have confidence in our institutions. Why I say so is because we allow institutions to operate in total independence. And the proof is there! We have seen allegations have been made against some Members of my Government; they have had to resign, cases are being investigated by the Police, some cases have been to the DPP; DPP has advised prosecution. And what I find - I will not comment on that; but in a case where the hon. Leader of the Opposition himself has complained against a Member of my Government and then when there is a case referred to the Court, the hon. Leader of the Opposition has gone to say: 'I am withdrawing that case.'

(Interruptions)

I do not know which is which, but anyway!

So, these are concrete cases...

(Interruptions)

But these are concrete cases where...

(Interruptions)

This is, Madam Speaker, proof that the institutions, especially the institutions that have to conduct an inquiry, are doing their work. Now, not all allegations will eventually end up before a Court of law.

(Interruptions)

The hon. Leader of the Opposition asked a question and he wants to answer himself? So, let me answer! And we can check this throughout so many cases that have been inquired upon by Police, ICAC and so on. Wherever there is a *prima facie* case, wherever there is evidence, there is substance, of course, eventually the DPP will decide. Anyway, it is not either ICAC or the Police that decide. It is the DPP that decides whether a case would go forward or not.

Mr X. L. Duval: Madam Speaker, on a case of personal explanation, this is the second time that the Prime Minister is giving incorrect information. I have not taken, written or otherwise, my case against hon. Soodhun. It is coming! He is not informed! It is coming for trial on Thursday. This Thursday, in two days' time! And as hon. Prime Minister, he does not even know that! I am really sorry for that.

Madam Speaker, this same Alvaro Sobrinho, who has been raising hell for a year or so, was purported to be trying to buy, not 131, reduced to something like 59 high-class villas. I do not need to tell who was taking him around, etc., in Royal Park. But can the hon. Prime Minister inform the House whether he has been able to satisfy the conditions, strict as they were, from the Board of Investment, as to show that his money was clean and *bona fide* or whether, in fact, he has not been, up to now, able to get clearance as to his own funds that he is investing in Mauritius not being tainted funds?

The Prime Minister: Madam Speaker, I am aware that, as at to date, Alvaro Sobrinho has acquired only one villa at Royal Park on 16 November 2016 and through a company called Vango Property Ltd, he has acquired an immovable property at Ebène. So,

this is the information that I have and I do not know of any acquisition of any other properties so far.

Mr X. L. Duval: I think he does, but still, Madam Speaker, let me put this question again to the hon. Prime Minister. It is common knowledge that he is buying 59 apartments and villas worth Rs1.6 billion *s'il vous plait*, without even negotiating for the price. He is buying this, and the Board of Investment has issued some time ago a letter with four conditions. If I had time, I would give those conditions. And I am saying to the hon. Prime Minister to check that Mr Alvaro Sobrinho has been incapable to show that his money that he is going to invest in Mauritius is not tainted by money laundering, and this is precisely why he has not gone ahead with the remaining purchases of the 59 villas and apartments.

The Prime Minister: Madam Speaker, from what I know, I am informed that Mr Alvaro Sobrinho has transferred money into the State Bank of Mauritius. Now, the State Bank of Mauritius has obviously carried out the usual process of enhanced due diligence on transactions that have been carried out by the customer. And I am also told that the remitting bank - and we are talking here about the National Bank of Canada - has confirmed that they have carried out satisfactory due diligence on the source of funds and on the sender.

I am also informed that there have been funds which have been transferred to Barclays Bank from National Bank of Canada and from Credit Suisse. I am also told that Mr Alvaro Sobrinho is conducting business in Portugal, in UK - I have just mentioned Canada - and Switzerland.

Now, those international banking institutions of repute and those countries - we are talking about UK, Switzerland, Canada, Portugal - so far, as at to date, have not found anything; they have not asked or prevented Mr Alvaro from doing business in their country, using their reputed financial institutions. And now, because there are allegations made by the Leader of the Opposition, we, Mauritius, we should do better than all those countries and we should say: "Stop! Don't come and do business in our country."

What I am saying is that, so far, when institutions are satisfied about the source of funds, about the due diligence that have been carried out, not only by our own institutions, but from those institutions which are reputable, renowned, and if ever, of course - and I have already stated in the last PNQ - there would be any infringement of our law or any regulation, action will be taken, and this is precisely what the FSC has done.

Mr X. L. Duval: Madam Speaker, is the Prime Minister aware that this Mr Sobrinho's assets have been seized to the tune of 150 million euros in Switzerland and he is actually being investigated for bribing of a Judge in Portugal? Is he aware of that? And just to finish on that question, *il ne faut pas noyer le poisson*. We are talking about Rs1.6 billion for the purchase of villas and apartments in Royal Park, not any other money that he may have transferred before for whatever reasons. Is the hon. Prime Minister saying that the Board of Investment has given clearance, is satisfied that he has now met all the anti-money laundering provisions? That is my question!

The Prime Minister: With regard to the Board of Investment, I have to check what has been the process. The hon. Leader of the Opposition is saying that his assets have been seized and what not. Okay, I will check on that! But I am informed as at to date, concerning *Credit Suisse*, there is no freezing order against the assets and the funds of Mr Sobrinho unless otherwise, I will check on that. Why is it that there is no freezing order?

Mr X. L. Duval: I think it is common knowledge on the Internet and the Kroll Reports are there just to state what sort of personality we have to deal with in Mr Sobrinho.

Let me come to another question because time is going by. I want to ask the hon. Prime Minister, in a Press conference he made on 15 March, the hon. Prime Minister said that "*ena paké kitchose ki mo coné*" concerning the President. Now, he has not tabled the letter of ICAC denunciation. So, all these lots of things that he knows on the President, has he written to ICAC to tell ICAC about this?

The Prime Minister: First of all, the hon. Leader of Opposition should listen very carefully to what I stated. I did not say "*paké kitchose mo coné*". Probably, we will talk about that later. But I have said in my Press conference that what has been alleged so far in the media with regard to the Platinum Card - this is one thing - I was ready to come before this House to table a motion for the suspension of the President at that time, and that I had already prepared all the grounds - they are not charges, they are grounds - on which I would rely upon to request this House for suspending the President. Now, there are other things when I say there are other grounds. And those grounds of which I have evidence, of course, once the Commission of Inquiry is set up, they will also form part of that Commission of Inquiry. The evidence will be laid before the Commission of Inquiry. This is what I have said.

Mr X. L. Duval: He will tell me...

Madam Speaker: Leader of the Opposition, you have two more minutes!

Mr X. L. Duval: Okay, thank you. Madam Speaker. I want to ask if I will have a last question. This is what I wanted to know. Madam Speaker, you will give me a last question!

Madam Speaker: After this one!

Mr X. L. Duval: Thank you, Madam Speaker, I want to ask the hon. Prime Minister when was it that he became aware of the excesses of the President concerning the Platinum Card? When? Because it has been going on for a year and my information is that Government was fully aware of the excesses of the President. Firstly, when did the Prime Minister become aware? How much exactly was spent? There is some amount, 27,000 US Dollars. Some people are saying twice as much. How much exactly was involved? And since he was going to give all this to the House anyway!

Thirdly, when did she repay the money, and if she did repay the full sum to PEI?

The Prime Minister: Well, Madam Speaker, these are banking information that are confidential because the law says that we cannot just circulate or publicise banking transactions with regard to an individual. Of course, I relied upon what has been publicised in the media. And, of course, I looked at and I also discussed the matter with the former President. Of course, I will not be able to say the contents of our discussions. But it was clear that those documents that had become public were documents that were true. And, in fact, it was also acknowledged by the former President. So, other matters with regard to how she has used this Platinum Card, how much has been spent, whether she has repaid back, this will all form part and it will be a material before the Commission of Inquiry. Then we will see.

Mr X. L. Duval: There is a question, Madam Speaker.

Madam Speaker: I will allow you a last question, hon. Leader of the Opposition.

Mr X. L. Duval: On top of this one!

(Interruptions)

Madam Speaker: No!

(Interruptions)

A last question, but please be brief!

Mr X. L. Duval: Okay. Madam Speaker - I would like to ask – the hon. Prime Minister has not answered the question. The first part of the question is: when did he become aware through the Governor of the Bank of Mauritius that the President of our country was misusing a charitable foundation’s money for private purchases of shoes, jewels, etc.? When was he aware of that? And secondly, why, even after so many resignations, so much havoc being created by Mr Sobrinho, is the Government protecting and shielding Mr Sobrinho?

The Prime Minister: We are not protecting anybody. And, in fact, if we were protecting somebody or Mr Sobrinho, why would the FSC then suspend the licence? Why?

(Interruptions)

I did not want to come to that, but hon. Adrien Duval is talking about Sobrinho. Hon. Adrien Duval stated on the radio: “*Alvaro Sobrinho zamin pas finn zwene Xavier Duval ou oken membre PMSD.*”

(Interruptions)

I can table a nice photograph of...

(Interruptions)

...hon. Mrs Perraud.

(Interruptions)

Don’t say “*zamin*”!

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please!

(Interruptions)

Order!

(Interruptions)

Order! Time is over!

(Interruptions)

Time is over!

(Interruptions)

I am sorry! Time is over!

(Interruptions)

Clerk, please!

(Interruptions)

Clerk, please pass on to the next item, time is over!

(Interruptions)

Time is over!

(Interruptions)

Pass on to the next item!

(Interruptions)

Order, please! Order, I said!

(Interruptions)

No, time is over!

(Interruptions)

The Leader of the Opposition has a point of personal explanation?

Mr X. L. Duval: Personal explanation, not a question, yes!

(Interruptions)

Madam Speaker: Hon. Leader of the Opposition, please sit down! If I allow you a point of personal explanation, it should not be controversial; you know that, according to the Standing Order!

Mr X. L. Duval: Madam Speaker, the hon. Prime Minister, once again, has insinuated, I think now, that I may have met Mr Sobrinho. I do not know that crook. I have never met the crook and I hope in my life I will never meet the crook!

(Interruptions)

Madam Speaker: Time is over!

(Interruptions)

Hon. Prime Minister!

(Interruptions)

Hon. Bhagwan, the question!

(Interruptions)

Hon. Mrs Perraud!

(Interruptions)

Order, please!

(Interruptions)

Order on this side!

(Interruptions)

Hon. Bhagwan, ask your question!

(Interruptions)

Can we have some order on this side, please!

(Interruptions)

Hon. Mrs Perraud, not from a sitting position, please!

(Interruptions)

Hon. Mrs Perraud, not from a sitting position, I said! No remarks from a sitting position!

(Interruptions)

No remarks from a sitting position! Has the hon. Member heard? Yes!

The Prime Minister: It has already been publicised, no need for me to say outside. It is on the paper!

(Interruptions)

Madam Speaker: Hon. Mrs Perraud! It is the last I am drawing your attention to the fact that from a sitting position you can't make remarks. This is not admissible! Hon. Bhagwan, yes!

**TRUST FUND FOR SPECIALISED MEDICAL CARE – FORMER DIRECTOR –
FACT-FINDING COMMITTEE**

(No. B/1) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Fact-Finding Committee set up and presided by Mr L. A. to inquire into the allegations levelled against Ms V. S., former Director of the Trust Fund for Specialised Medical Care, he will state when the report thereof was submitted thereto, indicating –

- (a) the number of sittings held and persons interviewed;
- (b) the main findings and recommendations thereof and actions initiated, and
- (c) if same will be rendered public and, if so, when and, if not, why not.

The Prime Minister: Madam Speaker, the Report of the Fact-Finding Committee, which was set up to inquire into the renewal of the contract of the former Executive Director of the Trust Fund for Specialised Medical Care was submitted to my Office on 20 November 2017. The Committee held 10 sittings and heard 30 deponents.

I wish to inform the House that the Chairperson of the Fact-Finding Committee has, in his Report, emphasised that, in line with its duty and Terms of Reference, the Committee has concentrated on gathering facts. The Chairperson considers that it would be advisable to pursue the inquiry further with a view to determining whether any offences may have been committed.

The Chairperson has consequently recommended that the findings of the Fact-Finding Committee be referred to the ICAC for further investigation as the ICAC is already carrying out an investigation into the matter.

Accordingly, the Report of the Fact-Finding Committee has, on 19 March 2018, been referred to the ICAC, as recommended by the Chairperson.

In regard to parts b (i) and b (ii) of the question, the House will appreciate that, since the Report of the Fact-Finding Committee has been submitted to the ICAC for further investigation, the question of it being made public does not arise.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: The reply of the Prime Minister is that the question of making it public does not arise. Is Government informing the nation that we, Members of Parliament, the taxpayers have no right to have a say, to know what has been recommended in detail by the Chairperson, especially the involvement of the then Minister, hon. Gayan?

The Prime Minister: Well, as I have said, Madam Speaker, this was the recommendation of the Chairperson of the Fact-Finding Committee, and we have acted according to his recommendation.

I must say there is a number of facts which have been established in the Report and the Chairperson has requested that these facts have to be further investigated, and that is why he has requested that the matter be sent to ICAC.

Mr Bhagwan: Everybody knows the reputation of ICAC - a recent survey. Last year or the year before, I queried here the involvement of an advisor of the then Minister of Sports at the Mauritius Sports Council. Up to now, ICAC has not been able to settle the case, which everybody knows; even the Prime Minister's Office had been involved at a particular point in time. Will the Prime Minister inform the House whether sending this Report to ICAC is not losing time? Because there are not many months remaining for you to stay in power.

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Please, hon. Gayan!

(Interruptions)

Hon. Gayan, do not make remarks from a sitting position and do not make provocations, please!

(Interruptions)

Hon. Bhagwan, please calm down!

The Prime Minister: Madam Speaker, first of all, let me say that I take strong exception to the allegation that the hon. Member is making...

(Interruptions)

Let me say! I am talking. *Asizé twa do!*

(Interruptions)

Madam Speaker: Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan, I am telling you, I have several times...

(Interruptions)

Hon. Bhagwan, several times, when you are being passionate...

(Interruptions)

Hon. Bhagwan, I am talking to you! Several times, when you are being passionate on any issue and I call you, you tend to ignore the Chair. Please, do not do so, because we want to work in *sérénité* in this House.

The Prime Minister: Madam Speaker...

(Interruptions)

The hon. Member has to listen! What I was saying is that I take strong exception to the allegation that the hon. Member is making towards my Office having been involved in

whatever allegation has been made against whoever. If there is anything specific against my Office, I invite the hon. Member to say so before this House.

Now, I forgot what the hon. Member mentioned. What was the question?

(Interruptions)

Madam Speaker: Hon. Bhagwan, please!

(Interruptions)

Please, you may repeat the question and I will allow you another question.

Mr Bhagwan: It is true. I invite the Prime Minister to sending officers with ICAC even at the Sports Council, even in Parliament...

Madam Speaker: No!

Mr Bhagwan: Somebody at the Prime Minister's Office discussed that case...

Madam Speaker: Hon. Bhagwan, please, do not make a statement at Question Time! Ask your question!

The Prime Minister: Well, Madam Speaker, this is a totally different matter! If the Member will come with a substantive question on this issue, of course, we will answer.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Madam Speaker, could the hon. Prime Minister confirm - since the Chairperson of the Fact-Finding Committee has decided that this matter should be referred to ICAC, I, therefore, take it that he has come up to find that there is meat to be looked into by ICAC, into what he has found that could lead to not only an investigation, but prosecution by ICAC after advice from the DPP.

Has this Report in any way shown that this has to be referred to ICAC because of the *agissement* of the Minister Gayan sitting just behind him? If it has not, he could tell us!

The Prime Minister: Well, let me say that the Chairperson of that Committee has not decided; he has recommended.

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed!

(Interruptions)

Hon. Shakeel Mohamed, do not interrupt the hon. Prime Minister!

The Prime Minister: I have already replied, Madam Speaker, that with regard to his findings, he has said that these facts that have been gathered required further investigation and that it would be better now for ICAC to take over and to further investigate in order - we don't know as yet - to be able to establish if there is any offence which has been committed or not.

Madam Speaker: Next question, hon. Bhagwan!

Mr Bhagwan: One last question, Madam Speaker. May I ask one last question, Madam Speaker?

Madam Speaker: Eight minutes already on one question, hon. Bhagwan!

(Interruptions)

We have spent eight minutes on one question. Next question, I have said! Otherwise, other questions will not come.

PRIME MINISTER, DEPUTY PRIME MINISTER & MINISTERS - OVERSEAS MISSIONS

(No. B/2) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the overseas missions effected by the Honourable Prime Minister, Honourable Deputy Prime Minister, Minister of Energy and Public Utilities and other Ministers since 01 January 2017 to date, he will state the number thereof, indicating in each case the –

- (a) composition of the delegation;
- (b) countries visited and purpose thereof, and
- (c) amount spent, indicating the –
 - (i) cost of airfares;
 - (ii) travel agency, and
 - (iii) *per diem* and other allowances paid.

The Prime Minister: Madam Speaker, the information sought by the hon. Member is being compiled and will be placed in the Library of the National Assembly in due course. I would, however, like to point out that my Government has already taken necessary measures to reduce the number of missions undertaken by Ministers and public officials.

Madam Speaker, in this context and with a view to keeping expenditure on overseas mission within reasonable limit, the Ministry of Finance and Economic Development issued a Circular Letter with relevant guidelines in September 2017 to all Ministries and Departments.

Mr Bhagwan: The hon. Prime Minister has informed us, the taxpayers and the nation, that the information is being compiled. But, last year, Madam Speaker, PQ No. B/572, on 24 October, I asked a similar question - some months before - and it is still being compiled? So, will this again take years, when he will not be in office, that we will have this information?

The Prime Minister: Well, I am informed that the information has been tabled.

Mr Bhagwan: I have checked this morning.

The Prime Minister: Well, maybe, just after you checked.

(Interruptions)

But, Madam Speaker, *je dois dire que l'honorable membre est un vieux joueur !*

(Interruptions)

Un jeune joueur, alors !

(Interruptions)

Madam Speaker: Calm down, please!

(Interruptions)

Hon. Sinatambou, why are you making provocations? Can't you see that provocations are creating disorder in this House?

(Interruptions)

Hon. Bhagwan, ask your question!

(Interruptions)

You have not finished, hon. Prime Minister?

The Prime Minister: No.

Madam Speaker: The hon. Prime Minister has not finished.

The Prime Minister: I was saying, Madam Speaker, of course, it does. It will take some time before we can compile all the relevant information that the hon. Member has asked for. But, as far as I am concerned, I have the information with regard to my missions. If ever there is any specific question he wants to ask, of course, I will. The hon. Member will appreciate that I cannot table only for my missions, I will have to get all the information for all Ministers and then we can table it.

Madam Speaker: Yes, hon Bhagwan.

Mr Bhagwan: What I am saying is that the country needs to know who are these *pigeons voyageurs* and we all know who are these *pigeons voyageurs* and how much time they are spending abroad. So, will the hon. Prime Minister at least give an undertaking that within weeks, even before the Budget, this information will be circulated?

The Prime Minister: We will! I will circulate this information. But let me also remind the hon. Member, we have been together in the Government of 2000-2005; the Opposition then had asked questions about missions, *per diem* and so on and it took time before the information could be compiled and laid on the Table of the Assembly.

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed, do you have a question on this?

Mr Mohamed: Madam Speaker, could the hon. Prime Minister while tabling the information about the hon. Deputy Prime Minister find out whether it could be cross referenced with the departures and arrivals of the well-known scoundrel called Mr Sobrinho and his hideouts, whether those destinations have been visited at any common dates by this actual Deputy Prime Minister?

Madam Speaker: No, this is not relevant to the question!

The Prime Minister: Madam Speaker, I mean, the information will be provided to this House and then it will be left to anybody to decide whether they want to cross-check with whomever and compare with who has been travelling...

(Interruptions)

Madam Speaker: I just want to draw the attention of hon. Members that supplementary questions have to do with the main question. Hon. Bhagwan!

PARLIAMENT - KREOL LANGUAGE – INTRODUCTION

(No. B/3) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Kreol language, he will state if consideration will be given for the introduction in the House of proposed amendment to section 49 of the Constitution and a motion to propose an amendment to Standing Order 5 of the Standing Orders and Rules of the National Assembly to allow the use thereof in the proceedings and debates of the Assembly in the wake of the celebration of the 50th Anniversary of the Independence and 26th Anniversary of the Republic of Mauritius.

The Prime Minister: Madam Speaker, I wish to refer the hon. Member to my reply to PQ No. B/235 made on 18 April 2017 and to my statement made in the House on 20 June 2017, following matter raised on adjournment by hon. Ganoo on the same issue.

As I have already explained previously in this House, there are numerous issues that would have to be addressed before considering the introduction of the Mauritian Kreol language in the National Assembly.

In the event that the language is used for official purposes, it has to be spoken and written and recorded while respecting its orthography, grammar and vocabulary, in line with the published documents, that is -

- Lortograf Kreol Morisien;
- Gramer Kreol Morisien;
- Diksioner Morisien.

It is imperative that, at all levels, we adopt the standardised written system and acquire proper communicative as well as social linguistic and cognitive competencies. The teaching and learning process and training should be pursued and facilitated incrementally over a period of time so that people can develop a mastery of the language.

Madam Speaker, this is precisely what this Government is doing. The teaching of Kreol language has completed its 6-year primary cycle in 2017 and a formal assessment was carried out in October 2017 in the context of the PSAC Assessment. The teaching of the Kreol language has been extended to Grade 7 as from this year and will be taught up to Grade

9 by 2020. It will be assessed at the level of the National Certificate of Education Assessment in 2020 at the end of Grade 9.

The Mauritius Institute of Education has trained 27 in-service Secondary Educators in 2017 and some additional 10 Secondary Educators are currently undergoing training for the teaching of Kreol Language at lower secondary level.

The process is being sustained and my Government is providing the necessary resources for the promotion of Kreol language in schools.

Madam Speaker, this stage leading to the mastery of the Kreol language is an essential pre-requisite before consideration could be given to the introduction of the language into the National Assembly.

Moreover, in my earlier intervention on this matter, I also made mention of other arrangements, both administrative and logistics, especially the appropriate IT hardware and software, which will have to be put in place before contemplating the introduction of Mauritian Kreol language in the National Assembly. We need to have a specialised software platform in Kreol which would have to be compatible with the existing Digital Recording Voice to Text platform presently being used by the National Assembly which enables the posting of the unrevised version of the Hansard of a sitting within 24 hours.

In addition, the officers of the Hansard Unit of the National Assembly will have to be trained in Kreol language for the purpose of transcribing and editing the proceedings of the National Assembly.

Madam Speaker, I wish to reassure the House that Government will consider the introduction of the *Kreol Morisien* in the National Assembly once all the necessary pre-conditions are fully satisfied.

(Interruptions)

Mr Bhagwan: Madam Speaker, where there is a will there is a way! This issue has been canvassed here in the National Assembly so many times by the previous Prime Minister and even before. The hon. Prime Minister has informed us of the different issues. Can I ask the hon. Prime Minister whether he has discussed with your office or with the other relevant departments of Government at least to have a time frame regarding all these issues which have been mentioned by the hon. Prime Minister, that, at least, *nu capav coumance cause kreol dans parlement?*

The Prime Minister: Well, let me again say that there is a will, but the way is what we are doing right now. It has to go through different steps and I won't need to mention again

the time that it will take. Unfortunately, I cannot give a time frame. It is very difficult for me to be able to give a time frame. But, hopefully, we are going towards that.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, maybe the hon. Prime Minister has some good intentions, but I have listened to some dinosaurs speaking on radio – I would say some ill-intentioned Members of Parliament - I am not convinced that this Government will come with the introduction ...

Madam Speaker: Ask your question, hon. Bhagwan! Don't make statements!

(Interruptions)

The Prime Minister: Let me also say...

(Interruptions)

Madam Speaker...

(Interruptions)

Madam Speaker: I said ask your question, do not make statements!

Mr Bhagwan: I am asking my question!

Madam Speaker: Yes!

Mr Bhagwan: Can the hon. Prime Minister inform the House whether he has listened, he has taken cognizance of several, I would say, statements, made by some dinosaurs of this Government on radio, which do not tally with the statement he is making on the introduction of Kreol language, which is a shame to the country?

The Prime Minister: Madam Speaker, let me say that each one has his own opinion also, whether it is in Government or whether it is elsewhere...

(Interruptions)

Madam Speaker: Please!

(Interruptions)

Please!

(Interruptions)

Hon. Rutnah...

(Interruptions)

The Prime Minister: Madam Speaker...

(Interruptions)

Madam Speaker: Yes, don't interrupt the hon. Prime Minister, please!

(Interruptions)

Please, go on!

The Prime Minister: Let me...

(Interruptions)

Madam Speaker: Hon. Bhagwan!

(Interruptions)

The Prime Minister: I don't know...

(Interruptions)

Madam Speaker: Hon. Bhagwan!

The Prime Minister: I don't know if the hon. Member is referring to this person as a dinosaur. I say I don't know.

(Interruptions)

But the one I am going to quote - with your permission, let me quote because it is important, and I think I am going to quote Mr Dev Virahsawmy and this is what he says –

« (...) je ne crois pas que les députés sont prêts pour l'utiliser au Parlement. Pour pouvoir manier une langue, quatre compétences sont nécessaires. Outre l'écriture, il faut maîtriser l'écoute, le parler et la lecture. Je vous fais remarquer que même ceux qui sont pour l'introduction du kreol au Parlement ne maîtrisent pas parfaitement son aspect oral. Ils font (...). »

(Interruptions)

Madam Speaker: Order, please!

The Prime Minister: *Attendez, c'est important –*

« Ils font un mélange de français et de kreol. Bien souvent, ils écoutent mal. Pire, ils ne savent pas lire et écrire correctement le kreol standard. Il est essentiel de s'assurer au préalable que tous les parlementaires ...maîtrisent la graphie du kreol morisyen, car après leurs interventions(...) »

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

The Prime Minister: Ecoutez !

(Interruptions)

Madam Speaker: Order, please! Hon. Baloomoody! Hon. Baloomoody! Hon. Baloomoody! It is the third time I am calling you. Please finish, but do not quote extensively, hon. Prime Minister!

The Prime Minister: Yes, but it is very relevant to what is being discussed.

« (...) les parlementaires maîtrisent la graphie du kreol morisyen, car après leurs interventions, ils sont appelés à corriger leurs textes(...) »

Madam Speaker: Hon. Baloomoody! Again from a sitting position!

The Prime Minister: *« (...) avant qu'ils ne soient publiés dans le Hansard. Cela dit, pour résoudre ce problème, il faut que le kreol devienne le médium d'enseignement. Cela va permettre à tous les Mauriciens de savoir comment lire et écrire le kreol. »*

Alors, il dit -

« Ne mettons pas la charrue devant les bœufs. Maîtrisons bien le kreol avant de l'introduire dans les institutions. Ce qui me fait peur, c'est qu'on utilise un kreol approximatif au Parlement et, de ce fait, on sème la confusion au sein de la population. »

And everybody knows that Mr Dev Virahsawmy is no member of any Party in Government. In fact, he is a member of the Labour Party.

Madam Speaker: I will allow a last question on this issue to hon. Ganoo!

Mr Ganoo: Thank you, Madam Speaker. In view of the fact that he has confirmed what he told the House in June of last year when I raised that matter on adjournment, and I am very happy about his answer today, that he is confirming that Government has no objection that the Creole language be introduced in the Assembly, may I ask the hon. Prime Minister, in terms of time frame and to ensure that matters progress quickly - because the Prime Minister has again said that the obstacles are not only the language issue, but also administrative and logistics issue in terms of IT hardware and software - to make things go faster, to expedite matters, whether he should not set up a committee made up of high officials in his Ministry, of his advisors and high ranking officials in the National Assembly, the Clerk and the Deputy Clerk, to steward this project of introducing the Creole language in our Parliament so that once for all we solve the administrative and logistics issue?

Madam Speaker: We have understood your question, hon. Ganoo.

The Prime Minister: I have already answered, Madam Speaker. I have said that there are a number of steps that have to be taken. I do not want to go into them again, not to lose the time of the House. But let me say one thing also. Last time, the hon. Member raised the matter with regard to logistics. Let me correct what he said, because he said that there is already a software available. I have checked. The software that has been developed by the University of Mauritius is not up to completion and it is still being worked out. So, we are not yet there, even in terms of logistics.

Madam Speaker: Next question, hon. Ameer Meea!

ECONOMIC DEVELOPMENT BOARD – COMPOSITION

(No. B/4) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Economic Development Board, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) composition thereof, indicating in each case the qualifications and terms and conditions of appointment thereof, and
- (b) name of the Chief Executive Officer thereof, indicating the qualifications and terms and conditions of appointment thereof.

The Prime Minister: Madam Speaker, I am replying to Parliamentary Questions B/4 and B/5 together. As the House is aware, the Economic Development Board (EDB) was created to provide, amongst others, strong institutional support for strategic economic planning and ensure greater coherence and effectiveness in economic policy formulation, especially for trade and investment promotion, and to draw the vision for the economic development path to be adopted for the next 30 years.

The Economic Development Board Act 2017 was partially proclaimed on 05 August 2017 to allow for the constitution of the Board. Section 6 (3) of the Act provides, *inter alia*, that members to be appointed should be from the private and public sectors with wide expertise and experience in different fields related to the business sector.

Consequently, Mr Charles Cartier, Delivery Centre Director at Accenture, Mauritius, was nominated as Chairperson of the EDB on 17 November 2017, followed by the nomination of Mr Azim Currimjee, Managing Director at Currimjee Group of Companies, as Vice-Chairman, and the following members -

- (i) Mr Dharam Dev Manraj, Financial Secretary;
- (ii) Dr. Alexandra Henrion-Caude, Director of Research, National Institute of Health, France;
- (iii) Dr. Shameem Fawdar, Post-Doctoral Fellow at the Centre for Biomedical and Biomaterial Research, University of Mauritius;
- (iv) Mr Cedric De Spéville, Chief Executive Officer of Eclasia;
- (v) Mr Terence Charles Smith, Chief Executive Officer of Fundsmith based in London, and
- (vi) Mr Dipak Chummun, Group Chief Finance Officer at Ireland Blyth Limited.

I am tabling the qualifications and duration of contract of the Chairperson and members of the EDB. The terms and conditions, including the fees to be paid, are in the process of finalisation.

Madam Speaker, the EDB is empowered with a dynamic, strong and forward-looking Board of Directors, with individuals having a diversity of career paths and who are all professionals and experts of international repute in their respective fields.

Madam Speaker, with regard to the post of Chief Executive Officer, a recruitment firm of international repute, namely Heidrick and Struggles, has been enlisted to recruit someone with the right experience and capacities to drive the EDB. Advertisement to that effect had been published in early March 2018 in local newspapers as well as in *The Economist*, which is an international periodical. The deadline for the submission of applications was 23 March 2018.

The successful candidate should have at least five years' experience at top management level in the public or private sector and hold a bachelor degree and post graduate degree in economics, business administration, finance, engineering or alternative qualifications acceptable to the Board. The incumbent should also hold, amongst others, a minimum of 10 years' strategic leadership and at least five years' experience at executive level. The other terms and conditions of service are as provided in the EDB Act.

Madam Speaker, as regards the operation of the EDB, I wish to inform the House that, following the complete proclamation of the EDB Act on 30 December 2017, the Board came into operation on 15 January 2018. Pending the recruitment of a CEO, Mr Ken Poonosamy, the former Managing Director of the Board of Investment, has been appointed as the Deputy CEO to ensure the smooth running of the organisation.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Madam Speaker. It is not a secret to anyone that four Directors among the seven Directors of the EDB are Directors of private local companies, well-established companies, whereby these companies would have, at a point in time, required licence, permit, authorisation from the EDB. So, my question to the hon. Prime Minister is whether he will agree with me that nominating persons from the private sector who are Directors of local companies and at the same time Directors of the EDB constitute a huge risk of conflict of interest and in contradiction with good governance and ethics.

The Prime Minister: Madam Speaker, I will just say briefly. I do not know whether the hon. Member would recall how the Board of Investment has been in operation all this time. Who were the Board members of the Board of Investment? Some of them did not come from the private sector? Has the Board of Investment been functioning and doing its job? Are we then saying that there should be no member from the private sector to be appointed?

(Interruptions)

There should be! If the hon. Member is talking about conflict of interest, it suffices to have one person from the private sector and there is already a possibility of conflict of interest. That is one.

(Interruptions)

Madam Speaker: Hon. Ameer Meea!

The Prime Minister: But secondly, Madam Speaker, we are talking about people who will assume their responsibility and who knows whenever a situation arises that will make them be in conflict of interest, they will obviously have to refrain from taking part in any decision with regard to that situation. Of course, I trust that those members are responsible and they will act accordingly whenever such a situation arises.

Madam Speaker: Hon. Ameer Meea! You don't have any question! Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker, on that same note of public and private sector. In his original reply, the hon. Prime Minister has said that the Board was to be composed of public and private sector people. Now, we have seen that out of the eight Board members, seven are from the private sector, save for Mr Manraj who is a public officer on contract.

Now, with that kind of Board, can the hon. Prime Minister enlighten the House how is he going to ensure the mandate of the EDB, which is to provide institutional support for strategic, economic planning and ensure greater coherence and effectiveness in economic policy formulation with a great absence of high level public officers on that Board?

The Prime Minister: I think the hon. Member is confused because the EDB is not the Government. The EDB is an institution that has been set up to advise. It will make

recommendations and it is for Government ultimately to decide on policy matters. Therefore, he should not be confused about the roles of Government and an institution.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, I share the concern expressed by my two colleagues. This is a clear case of Government being captured by the private sector. I do not know whether this is the policy of Government. It is clear that the Board is lopsided...

Madam Speaker: No, hon. Dr. Boolell, please don't make comments! Ask your question! Hon. Dr. Boolell, I will give you leeway to make your question intelligible, but then you should refrain from making comments. Ask your question, please!

Dr. Boolell: I am not making comments; I am stating facts, Madam Speaker. There is a difference between comments and facts. What I am saying, since the Board is lopsided towards the private sector, whether the hon. Prime Minister would amend the legislation to make sure that there is fair representation and that it is evenly poised, otherwise Government is going to be captured by the private sector of the likes of Alvaro. We would know what is happening in this country.

Madam Speaker: Okay, we have understood your question.

(Interruptions)

The Prime Minister: Let me seize this opportunity, Madam Speaker, to extend a warm welcome to the hon. Member to this Assembly. I can understand that *il est un peu rouillé*, but he learns very fast.

(Interruptions)

Madam Speaker: Hon. Jhugroo, your comments are not warranted!

The Prime Minister: But I disagree with his remark because I do not think that this is a - how do you call it - State capture - I have heard that in South Africa, but it is coming to Mauritius - by the private sector. I think he is repeating what Mr Rama Sithanen has been saying and of all people, it should come from Mr Rama Sithanen. But, anyway, I disagree, and I strongly believe that this Board with the various competencies that it has in terms of the representations, I am sure that they will be making good recommendations on policy matters for us to decide and to come forward for the future of the country.

ECONOMIC DEVELOPMENT BOARD - OPERATIONAL

(No. B/5) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Economic Development Board, he will state if it is operational and, if so, give details thereof.

(Vide reply to PQ No. B/4)

Madam Speaker: The Table has been advised that PQ B/14 has been withdrawn. Time is over!

SMART CITY SCHEMES – TAX INCENTIVES

(No. B/14) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Smart City Schemes, he will, for the benefit of the House, obtain from the Board of Investment, information as to the amount of tax incentives, including exemption from the payment of Value Added Tax, Customs Duty, Land Conversion Tax and Morcellement Tax obtained or obtainable by companies registered thereunder as at to date.

(Withdrawn)

Madam Speaker: Hon. Rutnah!

DRUG TRAFFICKING - COMMISSION OF INQUIRY – ALLEGATIONS - INQUIRIES

(No. B/15) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the persons against whom serious allegations of involvement in drug trafficking in Mauritius have been levelled during the hearings of the Commission of Inquiry on Drug Trafficking in Mauritius set up in July 2015 and chaired by former Judge Paul Lam Shang Leen, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if Police inquiries are being carried out in relation thereto and, if so, indicate where matters stand in each case.

Sir Anerood Jugnauth: Madam Speaker, in line with the Government Programme 2015-2019, a Commission of Inquiry on drug trafficking was set up on 15 July 2015 chaired by Mr Paul Lam Shang Leen, former Judge of the Supreme Court. The Commission started to conduct hearings on 04 November 2015.

I am informed that from November 2015 to 22 March 2018, more than 300 hearings have been conducted and some 340 persons have deponed before the Commission. It is now understood that the Commission will submit its report in due course.

Madam Speaker, I am informed by the Commissioner of Police that, so far, he has not received any request to institute inquiries into the serious allegations which were made during the hearings against persons allegedly involved in drug trafficking in Mauritius.

As a matter of fact, it is only when the Commission would submit its findings to the appropriate authority that the Police may be called upon to investigate into such allegations.

Madam Speaker: Hon. Rutnah! No! Hon. Uteem!

Mr Uteem: Madam Speaker, the Rt. hon. Minister Mentor knows that we cannot use any information in the Commission of Inquiry to start any investigation, it is not admissible. Being given that it is public knowledge, it is on the Press, that there is serious doubt on the relationship between lawyers and drug traffickers, some lawyers who have been called including people from that side who have been called, is the Rt. hon. Minister Mentor prepared to ask the Commissioner of Police to look into the relationship between drug traffickers and their lawyers?

Sir Anerood Jugnauth: I am not prepared to do that. When the report will come to us, we will act accordingly.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: On that same note, Madam Speaker, again before the Commission of Inquiry, it has been reported that some lawyers have gone to the prison to meet several prisoners, unsolicited visits at one go. We had the figure of 37 visits in one day. Would the Rt. hon. Minister Mentor request the Commissioner of Police, how was it ever possible for lawyers to go to prison and to have lectures with 37 prisoners, drug traffickers at one go to induce them, to tell them how to get out of prison? Is the Rt. hon. Minister Mentor willing to do that?

Sir Anerood Jugnauth: The Commissioner of Police was not present when these members of the Bar were going there.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Can I ask the Rt. hon. Minister Mentor if he has received any information and if he can explain to the House why some drug barons who have been arrested by ADSU and were still in jail on remand, have never been called before the Commission of Inquiry?

Sir Anerood Jugnauth: Well, how can I answer to that? It is not up to me to ask these people to go before the Commission of Inquiry. This Member who is a member of the Bar should know better.

Madam Speaker: Next question, hon. Shakeel Mohamed!

NHDC – SOCIAL HOUSING - ALLOCATION

(No. B/16) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Housing and Lands whether, in regard to social housing, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., information as to the number of applicants –

- (a) presently on the waiting list for the allocation of a unit thereof, and
- (b) having been allocated units thereof over the past three years, indicating in each case, the initial respective address thereof.

Mr Jhugroo: Madam Speaker, with regard to part (a) of the question, I am informed by the National Housing Development Company Ltd that as at 21 March 2018, there are 20,776 applicants who have registered themselves for an NHDC housing unit as follows -

- (i) 11,443 are in the income category Rs6,200 to Rs10,000;
- (ii) 6,396 are in the income category Rs10,001 to Rs15,000, and
- (iii) 2,937 in the income category Rs15,001 to Rs20,000.

I am informed that the eligibility of these applicants is assessed by the NHDC Ltd according to a set of criteria.

As regards part (b) of the question, I am further informed that over the past three years, 1,045 housing units have been allocated from January 2015 to 21 March 2018 and the information pertaining to the initial address of the beneficiaries is being placed in the Library of the National Assembly.

Madam Speaker, furthermore, I would like to point out that since start of 2015, many recreational facilities have been provided in each site of NHDC projects such as green spaces,

children playground, *pétanque* court, health track, e.g. at Henrietta, spaces reserved for community spaces, e.g. Pointe aux Piments already built, and spaces reserved for commercial units to do business such as *tabagie*, etc.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Madam Speaker, I thank the hon. Minister for his very clear answer. From his answer, he says that only 1,045 units have been delivered between beginning of 2015 to date, 2018. Madam Speaker, more than half of those houses have started construction prior to this Government coming into power. So, how many houses has this Government actually delivered, which they have started construction, not even construction, but the whole concept and process for the national housing which they promised to the electorate?

Mr Jhugroo: Very good question. Just to inform my friend, it is good to point out that between 2005 and 2014, only 2,496 housing units were constructed; 2,496 for 10 years. Between January 2015 and March 2018, 1,358 housing units have already been constructed and 1,045 already allocated. 1,067 housing units are expected to be completed by the end of this year and 2,588 housing units are expected to be completed by next year. And for additional information...

(Interruptions)

Yes, we have additional information now. Housing projects being financed by the Government of India and the Government and the grant and the line of credit, 956.

Now we have got sites identified for future projects. Tender for consultancy services for the construction of 6,680 housing units will be floated in phases, starting in financial year 2018/2019. Works on all these sites are expected to start early next year. The sites - if you wish, I can table the sites, sure. According to the Budget Speech...

(Interruptions)

Madam Speaker: Hon. Jhugroo, please sit down! You have to be very accurate, brief and concise in your replies. So, I think you have already replied to hon. Shakeel Mohamed. I will give the floor to hon. Ramful for the next question!

Mr Ramful: Madam Speaker, there has been a lot of public concern from those who have applied for social housing in relation to the opacity in which those social houses are being allocated. Now, would the hon. Minister be prepared, for the sake of transparency, to come up with a system of rating and ranking that would be accessible to the applicants so that they know where they stand?

Mr Jhugroo: I thank my hon. friend coming from the same constituency. It is a very good question! You know why? Because I wish to point out today, in this House, that we have an established criteria so that minors are not eligible to acquire housing units of the NHDC as it was previously by his government. To be eligible for an NHDC housing unit, a beneficiary should earn a monthly family income ranging from Rs6,200 and Rs20,000 and should not be owner of a house, including NHDC or CHA house; not own a residential plot of land; not hold a residential plot of State land or lease; not having been previously granted any government sponsored loan by MHC; not having benefitted from any government grant for the casting of roof slab, and not having received any financial assistance from Government for the purchase of construction materials.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Madam Speaker, can the Minister inform the House whether he is aware of cases of applications made more than 20 years ago? The lady was among the people who made a strike in Baie du Tombeau, where she applied more than 20 years ago, and yet she is not on any list at the NHDC.

Mr Jhugroo: I am really surprised, Madam Speaker, by that question coming from my hon. Friend. How come that for the past 10 years, when the Labour Party and PMSD were in Government, nothing has been done for that lady? And I will ask the hon. Member...

(Interruptions)

Madam Speaker: Silence, please!

Mr Jhugroo: ... to send me the name in my office, and I will see for what reason she has not obtained a house for the past 20 years. And I hope that it is 20 years and not recently.

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

Mr Lesjongard: Thank you, Madam Speaker. May I ask the hon. Minister whether the list he has in his possession has been compiled region wise? If the answer is yes, may we know the region with the highest number of applicants?

Mr Jhugroo: Unfortunately, I do not have this answer with me and if the hon. Member wants to come with a substantive question, I can answer.

At 1.03 p.m., the sitting was suspended.

On resuming at 2.36 p.m. with Madam Speaker in Chair.

Madam Speaker: Please, be seated! Hon. Shakeel Mohamed!

FOOD LEGISLATION - REVIEW

(No. B/17) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to processed food, he will state if consideration will be given for the toughening of the legislation to -

- (a) eliminate trans fats and reduce salt content therein;
- (b) provide additional information on added sugars and artificial dyes content therein on the labels thereof, and
- (c) introduce new restrictions on the commercial marketing of unhealthy foods and beverages targeting children.

Dr. Husnoo: Madam Speaker, I am informed that the Food Regulations 1999 provide for the regulation of salt content in specific processed foods under the different schedules thereto. However, the present Food Regulations do not make provision for the regulation of trans fats in processed foods.

The existing Regulations cater for the use of permitted colouring substances in processed foods under specific schedules with prescribed limits.

The Regulations also provide for sugar, used as an ingredient, and permitted colouring substances, used as food additives, to be indicated on the labels of pre-packed foods.

Madam Speaker, as for part (c) of the question, there is presently no legislation imposing restriction on commercial marketing of unhealthy foods and beverages to children in the general population.

However, I wish to add that, under the Food (Sale of Food on Premises of Educational Institutions) Regulations 2009, which is effective as from January 2010, unhealthy foods including soft drinks are prohibited for sale in the pre-school and primary, secondary and pre-vocational schools.

My Ministry has already embarked on a process to review the existing food legislation in line with international standards. My Ministry is working on the review of the legislation since two years now, and consultations are on-going with the State Law Office given the scope and the complexity of the exercise. The contents and the concentration of the above-mentioned items, that is, salt, sugar, fat and colouring, will be included in the new Bill.

Notwithstanding the above, my Ministry is carrying out regular health programmes to sensitise the population in general about the harmful effects of consumption of unhealthy foods and the need to adopt a healthy lifestyle.

In addition, since October 2016, an excise tax of three cents per gram of sugar content is being levied on soft drinks, and all sugar-sweetened non-alcoholic beverages, as part of the strategy to decrease the prevalence of non-communicable diseases.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Thank you very much, Madam Speaker. Notwithstanding what the hon. Minister has stated, can I impress upon the hon. Minister to make sure that there is full compliance to Food and Health Regulations Act. For example, you have people, especially food handlers, who use the same oil over and over again with the consequence which we know. So, I am glad to hear that the hon. Minister is going to put a lot of emphasis upon education to make sure that proper information is disseminated to one and all.

Dr. Husnoo: Same like trans fats, the reused oil as well because of peroxide content; we are going to control that in the forthcoming legislation. Thank you.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker. I thank the hon. Minister for his answer. Clearly, he has pointed out that there is a lacuna in the law as far as certain issues like trans fats are concerned or added sugars. But when it comes to the issue of introducing restrictions on commercial marketing on unhealthy foods and beverages targeting children because this is precisely what we are seeing every day be it in the media, video, audio and even the printed

Press or even online newspapers, local and otherwise. What does he propose specifically to ensure that there are proper restrictions placed on advertising of those specific foods referred to in the question and to ensure that the policy of Government is not only to collect money for sugars that are being used, but to ensure that - it is not a question of money for Government or revenue – there are proper restrictions as far as advertising is concerned?

Dr. Husnoo: Yes, I take the hon. Member's point. As I mentioned, there are a few things which are not in the law at present as it is, but we have been working on it. As I said, it is a very complex issue. There is a lot of food items which are imported as well and those that are being produced in Mauritius. So, it is very complex. Very complex! You know what I mean. And believe me, we are working on it to cover all: sugar, salt, fat, calories, colouring agents. All will be included in the new Bill. Naturally, we have to take care about advertising as well, especially for young people. That is very important as well. Thank you.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Madam Speaker, could we know from the hon. Minister whether we are in conformity with the World Health Organisation protocol on monitoring food and beverage marketed to children?

Dr. Husnoo: As I said, this Bill is for a long time. I mean, this is from 2009. It has been for a long time, but it is not completely in line with WHO. That is why we are coming with a new Bill to make it in line with WHO recommendations.

Madam Speaker: Next question, hon. Tarolah!

SOUTH EASTERN HIGHWAY PROJECT

(No. B/18) Mr K. Tarolah (Third Member for Montagne Blanche & GRSE) asked the Minister of Public Infrastructure and Land Transport whether he will state if a project for connecting the eastern to the southern part of the island will be considered and, if so, indicate if the old South Eastern Highway Project will be revisited or an alternate project worked out altogether.

Mr Bodha: Madam Speaker, I would like to refer the hon. Member to the replies I made to Parliamentary Questions B/862 and B/110 on 10 November 2015 and 05 April 2016 respectively.

I informed the House then that the South Eastern Highway was initiated by the Road Development Authority (RDA) in 2004 to provide an alternative and rapid route connecting the east part to the south part of the island. However, due to environmental issues, a stretch of the proposed road passing through the Valley of Ferney including a 600m long tunnel linking the two parts of the island was abandoned.

As an alternative measure to improve the connectivity between the east and the south of the island, the RDA is contemplating to upgrade the Flacq-Mahebourg road which we call the B28. The road project is 31km long from Bel Air to Ville Noire and passes through coastal villages such as Grand River South East, Deux Frères, Quatre Soeurs, Grand Sables, Bambous Virieux, Bois des Amourettes. The upgrading works along the coastal roads will enhance safety and is expected to create a positive impact on social and economic growth in the region. The project is estimated to cost Rs1.8 billion, inclusive of VAT and will be implemented in three stages as follows –

- (1) Lot 1: Ville Noire to Anse Jonchée (12 km);
- (2) Lot 2: Anse Jonchée to Deux Frères (10 km), and
- (3) Lot 3: Deux Frères to Bel Air (9 km).

Lot 3 will be implemented on a priority basis because of landslide issues at Deux Frères. The implementation of lot 3 has been scheduled for the financial year 2018/2019. Land acquisition is already in progress. This will be followed by the implementation of Lots 1 and 2 in financial years 2019/2020 and 2020/2021 respectively.

The Road Development Authority, Madam Speaker, is also considering the implementation of the Motorway M4 from the North at Forbach to the East at Bel Air. The combination of these two projects, i.e. the construction of the Motorway M4 and the upgrading of the B28, will provide a new link from the North and the South, the more so with the airport.

Madam Speaker: Next question, hon. Rutnah!

RIVIÈRE DU REMPART - MULTI-COMPLEX BUILDING - CONSTRUCTION

(No. B/19) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the proposed construction of a multi-complex building in Rivière du Rempart, as announced in the 2017-2018 Budget Speech, she will state where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): With regard to the proposed construction of a multi-complex building in Rivière du Rempart, I am informed that the Ministry of Housing and Lands has already initiated procedures for the acquisition of a portion of land of 3 Arpents 50 Perches belonging to the State Insurance Company of Mauritius Ltd. This plot of land is situated opposite the National Transport Corporation Depot in Rivière du Rempart. On 06 February 2018, the Ministry of Housing and Lands had requested the Valuation Department to assess the value of the said land. The Valuation Department has, on 20 March 2018, assessed the market value of the said land. An offer has been made to SICOM for the purchase of the land on 23 March 2018. SICOM has been given a delay of 15 days to respond to the said offer.

Madam Speaker: Next question, hon. Rutnah!

PITON - TRAFFIC CENTRE - CONSTRUCTION

(No. B/20) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the proposed construction of a Traffic Centre at Piton, as announced in the 2017-2018 Budget Speech, he will state where matters stand.

Mr Bodha: Madam Speaker, I am informed that over the years, with the growth of traffic in the region of Piton, the need for a traffic centre is being increasingly felt.

In fact, the great number of buses transiting through the existing bus stop near the Government school represents a serious road safety hazard. Not all the buses are able to alight and embark passengers safely and some buses have to stop on the road and, at times, hinder the rapid exit of emergency vehicles of the Fire Services nearby as well as creating artificial congestion at the spot. Consequently, provision has been made in the current Budget for the construction of a proper traffic centre at that locus.

Madam Speaker, I wish to inform the House that the contract for the construction of that traffic centre has been awarded on 28 February 2018. The works will start by 15 April 2018 after handing over of the site scheduled for Friday this week. The project duration is eight months and is expected to be completed by December. If the hon. Members of the constituency are happy about it, I would like to have a launch of works on Friday 06 April.

Mr Rutnah: Madam Speaker, I would like to express my gratitude to the hon. Minister. But, just on this point, if we could ensure that I am invited to the...

(Interruptions)

Mr Bodha: Madam Speaker, I said all the hon. Members of the Constituency.

Madam Speaker: Next question, hon. Bhagwan!

INDEPENDENT BROADCASTING AUTHORITY – ALLEGATIONS – FACT-FINDING COMMITTEE

(No. B/21) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Technology, Communication and Innovation whether, in regard to the Fact Finding Committee set up to inquire into the allegations levelled against Ms Y. C. at the Independent Broadcasting Authority, he will state when the report thereof was submitted thereto, indicating the -

- (a) number of sittings held and persons interviewed, and
- (b) main findings and recommendations thereof, indicating -
 - (i) the actions taken, and
 - (ii) if the report will be rendered public and, if so, when and, if not, why not.

Mr Sawmynaden: Madam Speaker, I have to inform the House that the Report of the Fact-Finding Committee set up to inquire into the allegations levelled against Mrs Y. C. at the Independent Broadcasting Authority was submitted to me in November 2017.

The Committee held 22 sittings and 26 witnesses were heard by it.

As regards part (b) of the question, the Fact-Finding Committee has, among others, recommended that enquiry may potentially be conducted to determine as to whether there has been any breach of any provision/s of the Prevention of Corruption Act and any infringement of the Code of Ethics of Barristers.

The Report, which is bulky, has been perused. Several issues raised in the Report need further clarification and investigation. The Report has been referred to the Independent Commission against Corruption for further investigation.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: *Même chanson, Madame.* So, can the hon. Minister at least inform the House - apart from these allegations, there have been allegations concerning transfer of money - whether the relevant financial institutions have been involved and action initiated concerning the transfer of foreign exchange to the account of the person?

Mr Sawmynaden: Actually, everything in the Report has been submitted for further investigation and, right now, she is no more in service also.

Mr Bhagwan: Would not the hon. Minister at least think it proper that, in the public interest - because it is again public money, *trafic d'influence* - the public be aware, at least a summary of the recommendations made and the actions which have been recommended; whether the hon. Minister is prepared to inform the population of the findings of the Commission and how much has Government paid for the commissioning of that report?

Mr Sawmynaden: I do not have the amount that has been paid, but the hon. Member will agree with me that since the Report now is under investigation by ICAC, I think we should let them complete their investigation and then we can make it public.

Mr Bhagwan: Again, Madam Speaker, a few months remaining for the hon. Minister to be in office. Can the hon. Minister give assurance to the country that before he leaves as Minister, at least something concrete...

(Interruptions)

Res trankil twa, ale occupe to ban laterre!

Madam Speaker: Hon. Jhugroo!

Mr Bhagwan: *Al occupe laterre mo camarad! Highlands! Apres ou koze arr mwa! Talere mo pou dire toi kisanla aster terrain kisanla dan Highlands !*

Madam Speaker: Hon. Jhugroo, you see, you are creating disorder in the House!

Mr Bhagwan: *Al geté kisanla aster laterre dan Highlands, apres to vine koze avek mwa.*

Madam Speaker: Hon. Bhagwan, please!

Mr Bhagwan: Yes. Would not the hon. Minister at least think it proper that the population be aware, at least we shed some light on what has taken place at this IBA?

Mr Sawmynaden: I am very happy that the hon. Member is very concerned about me, whether I will be here next time or not. But the thing is that since there is an investigation, you will agree with me that once the investigation is over, we will get all the answers.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. It is the second time we are being told that the Fact-Finding Committee Report cannot be placed before this Assembly.

So, may I now ask the hon. Minister whether he has taken advice from the State Law Office to find out whether there is any legal reason why the Report of the Fact-Finding Committee cannot be tabled before this House?

Mr Sawmynaden: We have gone according to the recommendation of the Chair of the Fact-Finding Committee, and she has mentioned to have further investigation. We have submitted the case.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, this is the second question where we are being informed that Government has commissioned a Fact-Finding Committee. Government has spent public money with the fees - there must be some fees which have been paid - and public is kept in the dark. Would not the hon. Minister think it proper that it would be wise, at least for the Government, for the Prime Minister, to ask ICAC? Because when he was Minister of Youth and Sports, one report was sent to ICAC and, up to now, no action. At least if a time frame can be given to the population for ICAC to submit its recommendation.

Mr Sawmynaden: I think the Prime Minister has already answered that.

Madam Speaker: Hon. Shakeel Mohamed! Last question on this issue.

Mr Mohamed: Thank you, Madam Speaker. Can the hon. Minister confirm, even though he does not want to let the population know what is in the report and he is not ready to give any information pertaining to its content, that there are grounds that have been found in the Fact-Finding Committee that have made the Chairperson ask the Government to refer this matter for enquiry, hence there is potential criminal offence that has been found in that report? I am not asking for details.

Madam Speaker: Okay, we have understood the question.

Mr Sawmynaden: Actually, we have gone according to the recommendation and I cannot instil myself in his place.

Madam Speaker: Next question, hon. Jahangeer!

EXCLUSIVE ECONOMIC ZONE – GEOTECHNICAL SURVEYS

(No. B/22) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to our maritime zones, he will state the name of the contractor having been awarded the contract for the carrying out of geotechnical studies therein to detect the presence of oil and/or other minerals thereat, indicating the outcome thereof, if completed.

Sir Anerood Jugnauth: Madam Speaker, in the Government Programme 2015-2019, it is clearly stated at paragraph 223 that Government will actively promote research expedition in our quest for fossil fuel and other minerals that can be sustainably exploited. This is also in line with our policy to promote the Ocean Economy.

Madam Speaker, as the House is aware, our vast maritime zone represents a potential for natural resources that could provide for the economic well-being of future generations. Hydrocarbon and minerals are non-living resources that cannot be ignored. However, lack of appropriate scientific data and technical information are major hindrances to ascertain the potential of these resources, especially for the development of the offshore petroleum sector in our region.

In this context, in January 2016, Government agreed to issue an Expression of Interest through normal tender procedures for the conduct of Multi-Client Seismic Surveys for hydrocarbon exploration in four selected areas of the Exclusive Economic Zone of the Republic of Mauritius.

It is relevant to point out that Multi-Client Seismic Surveys are essential for the acquisition of new seismic data using modern technology in order to provide better prospection insights. As a matter of fact, the data acquired from Multi-Client Seismic Surveys will constitute a prime data set for Government to negotiate and allocate future concession areas in our Exclusive Economic Zone for detailed exploration and exploitation of hydrocarbons.

Madam Speaker, following the advice tendered by the Public Procurement Office, my Ministry launched an open national and international bidding exercise on 16 May 2016, inviting potential companies to submit an Expression of Interest for the Conduct of Multi-Client Geotechnical Surveys in four selected areas of the Exclusive Economic Zone of the Republic of Mauritius. The deadline set was 29 June 2016 and eight companies submitted their Expressions of Interest by that date.

The bids were examined by a Bid Evaluation Committee, which concluded that all the eight companies met the requirements of the Expression of Interest.

On 04 October 2017, the eight companies were invited to submit their Requests for Proposal. In response to that exercise, only three companies submitted their bids. The technical evaluation of these bids is underway and is expected to be completed in the coming weeks.

Therefore, as of now, no contract has yet been awarded for the conduct of geotechnical studies to detect the presence of Oil and Gas or other minerals in the Exclusive Economic Zone of the Republic of Mauritius.

Madam Speaker, our maritime zones include the Exclusive Economic Zone and the Extended Continental Shelf. Insofar the Extended Continental Shelf in the Mascarene Plateau Region is concerned, a contract agreement was signed on 11 January 2018 with Spectrum ASA, a Norwegian Company, following approval by both the Governments of Mauritius and Seychelles. The surveys which are on-going are expected to be completed within a period of two years after which the raw data collected will be processed.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. With regard to the four zones that have been selected, I wanted to know more about the process of selecting these zones. What was the work carried out, first, to be able to identify these four zones where the surveys will be conducted?

Sir Anerood Jugnauth: I need a specific question for that.

Madam Speaker: It is not related to the main question! Hon. Jahangeer, next question!

CWA - CONTAINERISED PRESSURE FILTRATION PLANT - TENDER

(No. B/23) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to Tender OAB/CWA/C2017/124 for the Supply, Installation & Testing of a Containerised Pressure Filtration Plant, he will, for the benefit of the House, obtain from the Central Water Authority, information as to where matters stand.

The Deputy Prime Minister: Thank you, Madam Speaker.

In line with the avowed policy of Government to improve hours of water supply islandwide, a number of measures were proposed in the Budget 2017/2018, namely pipe replacement, duplicate boreholes, construction of service reservoirs, and mobile containerised filtration plants. These projects aim at ensuring the availability of additional water resources and increasing the hours of supply.

A provision of Rs135 m. was thus made in the budget for 15 mobile filtration plants.

In this context, I am informed by the Central Water Authority that on 14 August 2017, it launched the tender OAB/CWA/C2017/124 for the supply and installation of 10 containerised filtration plants on the e-procurement system. On 22 December 2017, it awarded the contract to Chemco Ltd for Rs56,719,000 excluding VAT.

The delivery period is 16 weeks as from date of letter of acceptance of the award, that is, 27 December 2017.

The supplier has confirmed that five filtration plants will be delivered and commissioned by mid-April 2018. Still, according to the supplier, the remaining five filtration plants will be delivered within the contractual time limits.

Madam Speaker: Yes, hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Is the hon. Deputy Prime Minister aware that one of the unfortunate bidders went to IRP, won the case, actually supplied same equipment to the CWA at Salazie; it was Rs5 m. lower in price than Chemco Ltd. who has never supplied such equipment to the CWA for at least once for the past ten years as stipulated in the tender document?

The Deputy Prime Minister: Which supplier was lower?

Mr Jahangeer: EDCC.

The Deputy Prime Minister: EDCC! Yes, I have heard of this! Yes, I know you know this company very well. EDCC, yes, its price was lower, but it was not responsive. So, it could not be entertained!

Mr Jahangeer: Thank you, Madam Speaker. Very amazing that somebody is not responsive...

The Deputy Prime Minister: On a point of order!

Mr Jahangeer: ...yet the equipment...

The Deputy Prime Minister: I am sorry; I am rising on a point of order.

Mr Jahangeer:... is still installed...

The Deputy Prime Minister: I am raising a point of order.

Mr Jahangeer:...in CWA.

The Deputy Prime Minister: The fact that a Member finds my question amazing is neither here nor that...

(Interruptions)

If he has got a supplementary question, he asks the supplementary question without making comments!

(Interruptions)

Madam Speaker: Hon. Jahangeer, please don't make remarks...

(Interruptions)

Please, silence on this side!

Mr Jahangeer: I would like to know from the hon. Deputy Prime Minister, a manufacturer who is not compliant technically, how come they bought the same equipment from the same supplier and it is still in use? This means we are drinking water which is not compliant to normal standard!

The Deputy Prime Minister: Let me enlighten the House, if I may. After the award had been issued, four bidders challenged the decision of the CWA. CWA replied to these challenges and two others, EDCC and Pipeline Utility Solutions Ltd filed an application for review before the IRP.

Then, what happened is that the CWA applied for a certificate of urgency in line with section 45 of the Public Procurement Act and the IRP agreed to issue a certificate to the CWA and the contract was awarded to Chemco Ltd.

(Interruptions)

Madam Speaker: No comment!

The Deputy Prime Minister: That is not at all amazing because...

(Interruptions)

Madam Speaker: No comment!

The Deputy Prime Minister:... there is perfect compliance to the law. Now, let me read what the IRP had to say about the appeal of EDCC –

“The applicant did not convince (...).”

EDCC –

“(...) did not convince the Panel at all its mechanism in the water treatment and backwashing. If the Temak-Twin filtration plant is used, it is not found to produce hygienic and pure water. Certainly, this could arouse the risk of the filters without a separate automated backwash to get clogged which would undesirably result in the plant to stop its daily filtration of water.”

Now, that is what a Review Panel found with regard to the machine of EDCC. I don't know anything about machines, they know, they are experts!

Madam Speaker: A last question!

Mr Jahangeer: Thank you, Madam Speaker. These plants pump water from the river and convert it into potable water. So, this means...

(Interruptions)

Yes, I am coming to my question!

(Interruptions)

I have to explain what these plants are doing.

Madam Speaker: Please, don't interrupt the hon. Member!

Mr Jahangeer: These plants take water from the river ...

(Interruptions)

Madam Speaker: Please proceed!

Mr Jahangeer: So, they convert dirty water into clean water for us to drink. Is the hon. Deputy Prime Minister aware that such plants require precise maintenance because of the public health risk that is involved, that it is stipulated in the contract for after-sales service and that Chemco Ltd. does not have any electromechanical workshop for such servicing?

The Deputy Prime Minister: I am not here to judge the maintenance periods of people! There are people to do it. What I can state is that that sort of machines were first placed in Mauritius in 2011 and 2012. They worked very well except for one which has broken down. There was a lull where people were testing whether they were as good as people said and the CWA decided that they were of good standard and they decided to continue this because it helps a lot during the dry season. It helps a lot to supplement water and for other reasons which are obvious.

Madam Speaker: Next question, hon. Jahangeer!

CWA – PRIVATE AND PUBLIC PARTNERSHIP

(No. B/24) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the project seeking a strategic partner for the Central Water Authority, he will, for the benefit of the House, obtain from the CWA, information as to where matters stand.

The Deputy Prime Minister: Madam Speaker, in my statement of 04 July 2017, I informed the House that on 18 December 2015, Government appointed the World Bank to conduct a study on the reform of the distribution and supply of water and provide strategic advice for the implementation of a Private and Public Partnership for the Central Water

Authority. The World Bank recommended the appointment of a private operator to operate and maintain the potable water distribution system of the CWA on a 15-year affermage contract.

On 03 February 2017, Government agreed to the implementation of the recommendations of the World Bank and to enlist the services of the World Bank for advisory services and the International Finance Corporation as Transaction Advisor.

I also informed the House that World Bank would provide advisory services to my Ministry and the International Finance Corporation would provide transaction advisory services. The cost of these services has been met from the Global Infrastructure Facility up to US\$875,000, Government contribution being US\$400,000.

On 11 July 2017, my Ministry signed a Financial Advisory Services Agreement with IFC, which has carried out a technical, financial analysis and modelling, environmental and social due diligence of the Central Water Authority. It has been working on a Transaction Structure Report, Request for Qualification documents and draft affermage contract.

An IFC delegation was in Mauritius last week, between 19 and 23 March 2018, to hold discussions and finalise the documents. The World Bank and the IFC have also had consultations on procurement procedures with the Central Procurement Board and the BOT Unit of the Ministry of Finance and Economic Development.

The next steps are to submit the final Transaction Structure Report to Government as soon as it is received from IFC. I intend to inform the House of developments at the appropriate time.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Will this process call for open tender or restrictive tendering?

The Deputy Prime Minister: Well, obviously! I have just said that they have had discussion with the CPB. The answer is in my answer!

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: I think last week or yesterday over 150 workers were laid off at the CWA. Their contract of employment was terminated. Can I ask the hon. Deputy Prime Minister whether it is part of the strategy to privatise the CWA?

The Deputy Prime Minister: This has got nothing to do with this. I can give the hon. Member supplementary information. These were employees who were on contract for one year. The contract was terminated at CWA and then extended for a further period of three months. These contracts are now terminated.

Madam Speaker: Hon. Fowdar!

Mr Fowdar: Thank you, Madam Speaker. Can I ask the hon. Deputy Prime Minister whether the CWA has explored other options rather than strategic partnership and whether they have worked on a feasibility study for each of the options, cost benefit analysis, although I understand that the World Bank is recommending a strategic partnership?

The Deputy Prime Minister: A lot of work was done before the World Bank was approached. A lot of work was done even before I became a Minister. We have files that high and, at that time, in 2000-2005, work was being done and even under the post 2005 Government, lots of research have been done. We could have continued in the same way and continue to make research and feasibilities, etc., until the end of the mandate and then say, 'leave it to the next Government'. We could have done that. Of course, we did not. We had to take the bull by the horns, if I may call it the bull, and we had to take a decision, and this was the decision we took. We, of course, take responsibility for that decision.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you, Madam Speaker. Can the hon. Deputy Prime Minister inform the House how much the Government is paying to the IFC, as they are paying 1.2 m. USD to the World Bank?

The Deputy Prime Minister: I am sorry; I do not think I have that specific information. I know that the cost of all the services was 875,000 USD, but I do not know whether that includes IFC. I would not be able, for fear of misleading the hon. Member and give him any other figure.

Madam Speaker: Last question, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Deputy Prime Minister is probably aware that only a few weeks ago Cameroon rescinded the contract of affermage it had with water supply. So, may I know from the hon. Deputy Prime Minister, since the Government is going ahead with this affermage contract for 15 years, will there be a mechanism for early termination without compensation so that we do not have ourselves in the same position as we were with Betamax if a new Government finds that this contract has been badly negotiated?

The Deputy Prime Minister: The hon. Member has a mic in my office, which makes him listen to my conversations? We have had this discussion, but I cannot say more.

Mr X. L. Duval: Madam Speaker, let me just ask two questions to the hon. Deputy Prime Minister. Firstly, can he obtain the amount paid to IFC in addition to what is being paid to the World Bank? We are already paying 1.2 m. USD. Secondly, can he tell us what are the implications for water rates being charged to the public? Whether it is to the commercial sector, to the hotel sector and to the people at large.

The Deputy Prime Minister: Thank you for these questions, which give me the opportunity to clarify one or two points. With regard to the fees, if I just reread what I said a few minutes ago, the World Bank provides advisory, the IFC provides transaction advisory services, the cost of these services up to 875,000 USD are met from the Global Infrastructure Facility. I do not know the breakdown; how much to IFC, how much to World Bank. This is what I need to determine.

As for water tariffs, let me make it clear. Water tariffs will be reviewed very soon. But it has got nothing to do with the coming of a private operator. This has got to do with the financial structure of the CWA. So, my finance people are working on this, and we are going to come to Cabinet with a proposal. But, I repeat, it has got nothing to do with the exercise which is being carried out.

Madam Speaker: Next question, hon. Ameer Meea!

DRIVERS – BREATH TESTS

(No. B/25) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues

whether, in regard to persons driving under the influence of alcohol, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) number thereof who have been detained pending recovering of their sobriety, since the implementation of the process to date, and
- (b) number of breath testing caravans presently available, indicating if consideration will be given for an increase in the number thereof.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that following the amendment to the Road Traffic Act (Act No. 23 of 2016) on 08 December 2016, drivers found with the proportion of alcohol exceeding the prescribed limit (i.e. above 23 micrograms in their breath) are detained at the Police Station pending sobriety.

To date, 1,314 drivers have been found to be driving under the influence of alcohol above the permissible limit and have been detained at Police Stations pending sobriety.

As regards part (b) of the question, the Traffic Branch has at present two (2) Breath Testing Caravans which are fully operational.

Apart from these caravans, breath tests are also being carried out throughout the island by other units of the Police Force such as the Road Safety Unit, Emergency Response Service and Divisional Supporting Units.

I am further informed by the Commissioner that the test for determining the proportion of alcohol upon a person is carried by using the Evidential Breath Analysers and Screeners available at all Police Divisions, Traffic Branch and Emergency Response Service. On 28 June 2016, Police procured sixty new Screeners and as at present (26 March 2018) there is a total of 157 such apparatuses.

Moreso, I am also informed by the Commissioner of Police that a request for funds is being made for the acquisition of two (2) additional Breath Testing Caravans in the next financial year.

Madam Speaker, I wish to add that as alcohol is one of the causes of fatal road accidents and induces dangerous driving, Government is bringing amendments to the Road Traffic Act whereby penalties will be toughened and provision made for automatic suspension of licence.

Madam Speaker: Hon Adrien Duval! No! Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Since the Rt. hon. Minister Mentor has indicated that there is going to be a proposal to bring amendments to the existing Road Traffic Act, will the Rt. hon. Minister Mentor consider in that amendment to also include those drivers who drive under the influence of drugs and other sedatives that are likely to impair the drivers control while on the wheel?

Sir Anerood Jugnauth: We will look into that.

Madam Speaker: Yes, hon. Ganoo!

Mr Ganoo: Can I ask the Rt. hon. Minister Mentor whether in the process of deciding whether the drivers were arrested under the influence of alcohol and detained, the test to decide to release them after they are supposed to have recovered from the sobriety, who is responsible for that test? Can a simple Police Officer decide whether somebody has recovered his sobriety? Should not we have an amendment in the law on that aspect?

Sir Anerood Jugnauth: It is those officers who carry out the tests and they do it on different occasions until there is a full sobriety.

Madam Speaker: Next question, hon. Ameer Meea!

SUPER CASH BACK GOLD & BRAMER ASSET MANAGEMENT POLICIES - REFUND

(No. B/26) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services and Good Governance whether, in regard to the Super Cash Back Gold and the Bramer Asset Management Policies of the former BAI Co. (Mtius) Ltd., he will, for the benefit of the House, obtain from the National Property Fund Ltd., information as to the number of clients who have not yet been refunded, indicating the –

- (a) reasons therefor
- (b) institutions from which funds have been disbursed therefor, indicating the terms and conditions thereof, and
- (c) where matters stand in relation to the recovery and sale of the assets of the said company.

Mr Sesungkur: Madam Speaker, I am informed by the National Property Fund Ltd. (NPFL) that, as at date, substantially all the clients of the former BAI have been repaid. For the Super Cash Back Gold, out of 5,035 policyholders, 4,964 have been paid for a total of Rs5,011,159,183 representing 98.5% of the total number of policyholders. With regard to the Bramer Asset Management Limited, out of a total of 320 investors, 298 have been paid for an amount of Rs875,956,190 representing 93% of the total number of investors.

As far as entities are concerned, 110 out of 132 have been repaid for a total amount of Rs298,027,839, representing 83% of the total entities.

Madam Speaker, all the way through, this Government has protected the interest of our country and our people. We have successfully resolved this crisis, which could have resulted in a national tragedy. As a people Government, we are satisfied to have saved so many people from disaster and to have avoided a systemic crash of our whole financial system.

Madam Speaker, with regard to part (a) of the question, 71 Super Cash Back Gold policyholders and 21 Bramer Asset Management Limited investors have not turned up to complete formalities to enable disbursement of funds. One (1) Super Cash Back Gold policyholder as well as one (1) investor of Bramer Asset Management Limited have not submitted the required information and will be refunded once all documents are complete.

Moreover, formalities for repayment in respect of 2 entities are being completed while 20 of them have not yet turned up for registration to enable repayment.

Madam Speaker, I am also informed by the NPFL that the initial deadline to complete registration for repayment was 31 August 2017. Following several requests received from the policyholders and investors, the NPFL Board exceptionally decided to re-open the registration process on 12 February 2018 until 09 March. I am further advised that should any policyholder/investor still turn up to complete all required procedures, consideration will be given for settlement repayment on a case-to-case basis.

Madam Speaker, with regard to part (b) of the question, I am further informed that the repayment exercise was possible owing to funds made available from the partial disposal of assets by the Special Administrator and also from the following institutions –

- (i) the Bank of Mauritius; the SBM (NFC) Holdings Ltd. and the State Insurance Company of Mauritius Ltd.;
- (ii) a syndicate comprising of SBM Ltd., the MCB Ltd., the Barclays Bank Mauritius Ltd. and Maubank Ltd.

Madam Speaker, I am advised that the terms and conditions under which funds have been made available to the NPFL are privy to the contractual parties, as it is a public company governed by the Companies Act.

Madam Speaker, with regard to part (c) of the question, I am informed that most of the on balance sheet assets of the NPFL, appear to have been inflated, which has, so far, caused that no serious offers have been received for their disposal. An exercise is currently being undertaken by NPFL to reassess the fair market value of those assets.

Madam Speaker, alongside this exercise, the Board of NPFL is assiduously working to turn around the Company by reviewing its business model and devising new strategic options. NPFL can be empowered to act as a service provider of choice in the field of property management and development. It is going for State-owned companies, parastatal bodies and the private sector alike. This can be done, in the first instance, by maintaining strategic assets and disposing of non-strategic ones.

However, I would like to state that a decision is yet to be taken on this specific matter.

Thank you.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, answering to a past PQ asked by myself last year, that is, on 28 March - exactly one year, PQ No. B/32 - the hon. Minister answered, and I quote –

“(...) officials of my Ministry and the Ministry of Finance and Economic Development are looking into the exit strategy which Government will adopt with regard to the NIC Ltd, and also possibly MauBank Holdings Ltd with a view to meeting the future commitments for the payment of the Super Cash Back Gold policyholders.”

Therefore, Madam Speaker, can I ask the hon. Minister where matters stand in relation to this decision of his Ministry and the Ministry of Finance? What sum are we talking about for NIC and Maubank?

Mr Sesungkur: Madam Speaker, I can only answer for my Ministry, which means NIC. The strategy being considered is still on. I can say that there has been certain progress which has been made, but this is not the only strategy that we are looking at. As I explained in my answer a minute before, there are various options which are being explored and we hope to come to the National Assembly once a clear-cut decision has been taken.

Mr Ameer Meea: Madam Speaker, we all recall that, at the start of this saga, Government stated that no public funds would be used to repay BAI debts. But the hon. Minister, in his reply, stated that - if I get the figures right - there has been a borrowing of almost Rs4 billion from the Bank of Mauritius. May I ask the hon. Minister, in relation to this sum, whether this has been repaid and, if not, how will this sum be repaid?

Mr Sesungkur: In fact, as I have mentioned in my answer, the repayment to the policyholders and investors was made possible due to advances and loans that we received from various institutions, including the Bank of Mauritius, and it has not been repaid so far. Given the magnitude of the crisis, the amount of money involved, no one could have generated so much money out of selling the assets overnight.

So, there should have been some kind of a mechanism like a bridging loan to be able to alleviate the plight of so many policyholders, so many investors who were crying outside for money, for their investment. Government, as a caring Government, took that decision to find a solution, and we made a proposal to the policyholders, investors, which have been accepted by them. And, as I mentioned, nearly 100% have been settled so far.

Mr X. L. Duval: Can I ask the hon. Minister how much money has been borrowed from the Bank of Mauritius and from the commercial consortium which he mentioned in his answer? How much in total has been borrowed from these institutions?

Mr Sesungkur: From the four commercial banks, approximately Rs6.4 billion.

(Interruptions)

Billion! It cannot be million! If we are refunding billion, it should be billion!

Mr Ameer Meea: And the Bank of Mauritius?

Madam Speaker: Hon. Ameer Meea, if you have to ask a question, then you have to stand up and ask your question. Do not ask from a sitting position.

Mr Sesungkur: The Bank of Mauritius, I think it should be Rs3.5 billion.

(Interruptions)

Madam Speaker: I think I will have to ask hon. Members not to bring their phones at Parliament.

Mr Sesungkur: Yes, Rs3.5 billion from the Bank of Mauritius.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Out of those policyholders who have not been refunded, can the hon. Minister state whether there are some of them who have been referred to the Integrity Reporting Board in relation to non-explained wealth?

Mr Sesungkur: Yes, Madam Speaker.

(Interruptions)

Madam Speaker: I have observed that regularly there are phones ringing in this Chamber. So, I think if that continues, I'll have to take sanctions. But I kindly request hon. Members to please put their phones on silent mode or to switch them off if they do bring their mobile phones in this Chamber.

Mr Ameer Meea: Madam Speaker...

Madam Speaker: Last...

Mr Ameer Meea: It is my question, Madam Speaker.

Madam Speaker: Then, others will not have time. We have already spent 18 minutes on this question.

Mr Ameer Meea: 18 minutes?

Madam Speaker: Last question!

Mr Ameer Meea: Okay, thank you. Madam Speaker, in his reply, the hon. Minister stated that, last year, there was an exit strategy for NIC and MauBank. But this year the Government is considering other avenues. May I ask the hon. Minister what are these other avenues?

Mr Sesungkur: The other avenues concern mainly any other revenue generation option that the NPFL can use to generate revenue in the future, to provide services, to manage the assets in a better way, where more revenue can be generated in the future, at the same time exiting non-strategic business, as I mentioned. So, it concerns a panoply of measures

which NPFL will have to adopt to be able to generate income so as to be able to repay the debt which it has contracted.

Madam Speaker: Next question, hon. Bérenger!

Mr Bérenger: Has Government guaranteed those Rs6 billion to the commercial banks and that Rs3.5 billion to the Bank of Mauritius? Has Government guaranteed those sums?

Mr Sesungkur: As I mentioned, Madam Speaker, NPFL being a company governed by the Companies Act, all the terms and conditions which have been agreed between the banks and NPFL cannot be disclosed.

(Interruptions)

Madam Speaker: Next question, hon. Ameer Meea!

STC – PETROLEUM PRODUCTS – SUPPLY

(No. B/27) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to petroleum products, he will, for the benefit of the House, following the ruling of the High Court of Karnakata, in India, obtain from the State Trading Corporation, information as to the names of the suppliers thereof, indicating in each case, the -

- (a) quantity thereof ;
- (b) breakdown of costs thereof;
- (c) terms and conditions of facilities advanced, and
- (d) date of arrival of the vessels in Mauritius.

Mr Gungah: Madam Speaker, on 30 November 2017, the High Court of Karnataka issued an interim order to refrain the New Mangalore Port from providing any clearance to the vessel Pacific Diamond to leave the port in the event that the vessel had been loaded with the cargo of the STC. The STC and myself were informed of the Court's order on Friday 01 December 2017 and the case was subsequently to be taken up only on 11 December 2017.

The Pacific Diamond was scheduled to leave Mangalore Port on 02 or 03 December 2017 and to arrive in Mauritius on 09 or 10 December 2017 with 40,900 metric tons of white petroleum products, i.e. 9,900 MT of Mogas, 12,500 MT of Gasoil and 18,500 MT of Jet A1. In such circumstances, we had to act urgently to procure, on an emergency basis, petroleum products to prevent any stock rupture as we usually have only a few days of stock before arrival of a new consignment. I informed the Deputy Prime Minister who was Ag. Prime Minister and the Prime Minister who was on mission overseas. We held consultations on the way forward.

Accordingly, during the weekend 02-03 December 2017, the highest authorities of friendly countries which would be able to supply us immediately with these products and to also secure vessels for their transportation were approached. Following their responses, it was found that only Seychelles and Saudi Arabia could supply these products and the associated transportation within the limited time frame as required by us. I, therefore, instructed the STC to contact the Seychelles Petroleum Corporation (SEYPEC) and the Saudi ARAMCO Products Trading Company (Saudi ARAMCO), two government entities, for the supply of Mogas, Gas Oil and Jet A1.

A first consignment of 1,200 MT of Mogas was procured from SEYPEC on a CIF basis. The MT Seychelles Paradise arrived at Port Louis on 09 December 2017 with this cargo, which is equivalent to some three days of consumption. As for Saudi ARAMCO, STC received two consignments from the company on a CIF basis as follows -

1. a consignment of 10,997 metric tons of Mogas transported by FS Sincerity, which arrived at Port Louis on 14 December 2017, and
2. a consignment of 13,596 metric tons of Gas Oil 10 ppm and 19,987 metric tons of Jet A1 transported by MT Ardmore Sealion, which arrived at Port Louis on 17 December 2017.

Madam Speaker, with regard to part (b) of the question, I am not in a position to release the costs of these products in view of their strategic nature and also as these are commercially sensitive information, any disclosure of which may cause serious prejudice to third parties with whom the supplier is engaged.

However, I wish to reassure the House that, in the given circumstances, the prices paid by the STC are fair and reasonable.

Madam Speaker, I wish to inform the House that when the case was taken up on 11 December, the Court modified the interim Order to allow shipment of consignments of petroleum products from New Mangalore Port to Mauritius.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Although the hon. Minister could not give a breakdown of costs and since there are two suppliers, one from Seychelles and one from Saudi Arabia, are there any differences in the prices, in the breakdown of costs from those different suppliers? Because we recall that there has been a recent petroleum products' price increase in Mauritius – if I may recall – in December or January. Is this the reason?

Mr Gungah: No. Madam Speaker, in fact, the prices of mogas and gasoil which happened in 21 December, if I am not mistaken, were due mainly to the rise in price on the world market, and I can inform the House that, in fact, for the year 2017, November and December had witnessed the highest rise in prices, and that was the main reason for the increase.

(Interruptions)

No, the price between the two suppliers...

Madam Speaker: Please, hon. Gungah! Hon. Ameer Meea, I have drawn your attention several times to the fact that if you have got a question, you stand up and ask your question. Don't interrupt hon. Ministers when they are replying to your question. Yes, please proceed hon. Gungah!

Mr X. L. Duval: May I ask the hon. Minister, petrol is sold on the world market price, Brent or whatever. The hon. Minister said there is a security implication in that, I don't know what it is, but surely the freight that was paid, the enormous amount of freight which, I understand, was paid, that surely the hon. Minister can tell us what was the freight that was paid for the two, three or four shipments from Seychelles and from Saudi Arabia.

Mr Gungah: Madam Speaker, the cost included the freight. I don't have a breakdown, that is, the cost of the products and the freight itself. But, as I said, the prices that we paid, and as asked by hon. Ameer Meea, are comparable even for Saudi ARAMCO, SEYPEC and what STC normally pays to MRPL.

Mr X. L. Duval: Saudi ARAMCO all these are petrol companies; we want to know how much as a taxpayer and a consumer pay for the freight. Just give us, circulate it later, the freight elements for these shipments, please.

Mr Gungah: Madam Speaker, as I said, the sum was paid on CIF basis. So, I don't have the breakdown.

Madam Speaker: Hon. Shakeel Mohamed, first!

Mr Mohamed: Madam Speaker, contracts were entered into between the STC and the company in Seychelles and Saudi ARAMCO. None of those contracts contained any clause that would entitle Government not to give out that information. There is no clause with regard to security issues as referred to by the hon. Minister. Therefore, on what basis, in the absence of such a contractual provision, is the hon. Minister refraining from giving the answer and continuing in the systematic policy of Government of hiding answers and lack of transparency?

Mr Gungah: Madam Speaker, we are not hiding any answers, any figures. You know, Madam Speaker, at the time when we faced such a problem, it wasn't a moment of negotiating contracts and all. We had to procure petroleum products for Mauritius on an emergency basis. And I can say that most of the discussions were held on phone and I can't say to the House what were the discussions, what were the arrangements that were made on the phone.

Madam Speaker: Last question, hon. Adrien Duval!

Mr A. Duval: The standard procurement procedures given the urgency of how we had to procure the petrol products did not apply. Why is it then that it is the hon. Soodhun who went to Saudi Arabia to negotiate and not someone from the STC or not even yourself as Minister? Why is it that Government has mandated hon. Soodhun and that the hon. Minister is now refusing to give the prices?

Mr Gungah: I think there really have been some misunderstandings within some Members of the Opposition. Madam Speaker, hon. Soodhun was already in Saudi Arabia at the moment when the embargo was set on the ship and since he was there,...

(Interruptions)

...it was an opportunity for the Government. As a patriot, Madam Speaker, he was there to help the country.

(Interruptions)

Madam Speaker: Last question, hon. Ameer Meea!

Mr Ameer Meea: Thank you, Madam Speaker. Recently, there was a shortage of fuel products in filling stations, I think, three weeks back. I, myself, had had this bad luck of going to a filling station, usual one, and couldn't get any fuel. Can I ask the hon. Minister if he can explain to the House what happened and what measures have been taken so that this does not repeat, and also in relation to the quality?

Madam Speaker: Hon. Ameer Meea, you already know that supplementary questions are meant to elucidate on the main question. So, your supplementary question has nothing to do with the main question. Next question, hon. Osman Mahomed!

**VACOAS MULTIPURPOSE COOPERATIVE SOCIETY - MANAGEMENT
CONTRACT & SALE OF LAND**

(No. B/28) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the Vacoas Multi-purpose Cooperative Society, he will, for the benefit of the House, obtain therefrom, information as to if the Board thereof had procured the services of S. B. Pro Consult Ltd. for management contract and, if so, indicate –

- (a) the terms of reference and deliverables thereof;
- (b) the agreed quantum of fees and other conditions thereof, and
- (c) if it had completed its assignment as per the terms of the agreement and, if not, why not.

Mr Bholah: Madam Speaker, with your permission, I will reply to PQ Nos. B/28 and B/29 together.

The Vacoas Popular Multipurpose Cooperative Society Ltd is a body corporate managed by a Board in accordance with a Cooperatives Act. In principle, I am under no obligation to provide information on the internal administration and operations of the Society.

However, it is public knowledge that the Society, previously a prosperous Cooperative, has suffered from mismanagement. This mismanagement dealt a severe and long-lasting blow to the Society which is currently teetering on the brink of insolvency.

As soon as I assumed office, I ensured that appropriate actions be taken for the appointment of a Caretaker Board by the Registrar of Cooperative Societies in accordance with the Cooperatives Act. The Caretaker Board which was appointed in January 2015 has to inform the Registrar of its major decisions through the submission of Minutes of Proceedings of the Board.

Madam Speaker, I cannot disclose the terms and deliverables of a management contract between the Society and S. B. Pro Consult Ltd. as they are two private entities.

However, I am informed that S. B. Pro Consult Ltd. vacated office on its own on 20 December 2017.

With regard to the sale of land at Flic en Flac, the Society had invited Expressions of Interest in May 2017. However, the bids received did not meet the expectations of the Board and consequently, no offer was retained.

I am informed that subsequently, the Board received two unsolicited bids. Thereafter, the Board opened discussions with the two potential buyers and a decision has not been reached yet. However, I can inform the House that one of the offers was originally submitted for a price higher than that proposed by the other candidate. The Board, therefore, devoted considerable time and resources to pursuing negotiations with the higher offeror. Negotiations with the said offeror took a strange turn when that offeror -

- (a) refused to make a cash deposit to confirm its firm commitment to purchase;
- (b) renegotiated eight times the contents of the draft *promesse de vente* that had been established on the basis of the initial offer, and
- (c) worse of all, completely revised its offer proposing to have the land subdivided into four plots, with a firm commitment on the first plot only without any undertaking to buy the remaining parcels.

In other words, the offeror sought to buy the meat of the land first, and leave the Society with the bone for future eventual sales, thus putting the Society at risk of being unable to sell the remaining plots to a serious investor.

The decision for the sale will be made by the next General Assembly of around 5,000 members, which is a supreme decision making organ of the Society in accordance with section 39 of the Cooperatives Act. This has been confirmed by a Notice of the Society which appeared in two dailies during the first half of January 2018.

Madam Speaker, I am tabling a copy of the Notice.

More information will be available only when the matter will be taken up at the General Assembly.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. This whole saga started with an affidavit sworn by the ex-president of the Society, Mr Lutchmeeparsad Jhugroo, on 20 December 2017, with very different versions with what the hon. Minister has just explained. For example...

Madam Speaker: No!

Mr Osman Mahomed: My question is as follows...

Madam Speaker: Do not make statements, hon. Osman Mahomed. I have said that, at Question Time, you are here to get information from the Minister. So, would you please ask the question?

Mr Osman Mahomed: Madam Speaker, can the hon. Minister table the document whereby we can know in what circumstances S. B. Pro Consult vacated the office? Because in the sworn affidavit, it is said that the management contract of S. B. Pro Consult has been terminated without any valid reason. Can we have some document tabled in this House, for us to ascertain the veracity of the matter?

Mr Bholah: Madam Speaker, I do not have any such document. But I can tell you that, during a Board meeting, members were complaining about the performance level of S. B. Pro Consult, namely absence of progress under the salvage plan proposed by the managing firm, and as agreed under their contract of employment; repeated claims for additional payments despite the poor financial position of the Society and despite frequent requests from

the Board to keep these claims in abeyance; vacating office on two occasions, one of which on the eve of an AGM without notice; non-submission of financial statements on time, impacting on holding important AGM-SGM. In fact, on 10 December, the Board met to discuss about this issue, and seven out of the nine members voted to terminate the contract of S. B. Pro Consult.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: As regards the land issue, can the hon. Minister enlighten the House whether the difference between the two companies' prices is Rs100 m., namely Rs650 m. as articulated in the Press, as opposed to Rs750 m.? Is that a fact, and also has an evaluation of that land been performed by a registered valuer?

Mr Bholah: Madam Speaker, this is very confidential information, and as pointed out in the Notice - I request the hon. Member to read the Notice -, this can only be discussed at the level of the General Meeting of members.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The Cooperative Society we are talking about here is the one which was in financial difficulty with Rs200 m. loss. Would the hon. Minister agree that now that serious allegation has been made in an affidavit against him personally and against his representative on that Caretaker Committee, he finds it fit to ask for a Fact-Finding Committee, which is going to publish its recommendation, and table it before the National Assembly?

Mr Bholah: Madam Speaker, the Board of Directors published a Notice, and I will read an extract from that. Section 11 -

“It is, therefore, clear that contrary to allegations, no party, not even a Minister, except the General Meeting, can claim to have the authority to dispose the assets of the Society.”

This is what the Board of Directors says. *Je ne peux pas être plus royaliste que le roi !*

Madam Speaker: Hon. Ramful!

Mr Ramful: Thank you, Madam Speaker. The hon. Minister had informed the House that there were a few bidders that have submitted proposals. Now, can we have the names of those bidders and the price that they have proposed to purchase the land?

Mr Bholah: Madam Speaker, I am sorry, I cannot divulge any name at this moment.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. Referring to the same allegations that hon. Uteem has referred with regard to the interference of the Minister, can he give the assurance, if he is not ready to set up a Fact-Finding Committee, in this House that he has not put pressure on the Board with regard to the sale of the Cooperative? Can he give the assurance that he has, at no time, put pressure?

Mr Bholah: It is not in my way of working to put pressure on anybody. But I get complaints every alternate day, every week from members who are not being paid their loan back. The latest complaint I got is from the majority of the Board Directors as to the performance of the manager S. B. ProConsult and which I referred to the Board to have it as an item on the agenda and to be debated and a decision to be taken. This is all I did. But never have I put pressure. This is not my way of working.

Madam Speaker: Last question, hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Minister what action he is envisaging to take in the light of averments like sworn in the affidavit by Mr Jhugroo, and I quote -

“I state that the Society is on the right path of recovery, but the intervention of the Registrar and that of the Minister appears to stop this progress.”

What action is the hon. Minister envisaging to take to clear his name?

Mr Bholah: Madam Speaker, I do not feel being alleged by anything and such an affidavit. In fact, I am going to tell you one thing, Madam Speaker. This Mr Lutchmeeparsad Jhugroo wanted to have only yes-man on the Board, so much so that he came and wrote a letter to me under his signature - and I will even table this letter - whereat he decided that three of existing members should not form part of that Board. He himself went around and chose three members and he came up with a list of members who should form part of that Board, and which letter I put aside.

FLIC-EN-FLAC - MULTIPURPOSE CO-OPERATIVE SOCIETY – SALE OF LAND

(No. B/29) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the proposed sale of a plot of land of an extent of 37 acres in Flic-en-Flac belonging

to the Vacoas Multipurpose Co-operative Society, he will, for the benefit of the House, obtain from the Co-operative Society, information as to the -

- (a) procedure followed therefor, and
- (b) offers received at closing date, indicating the -
 - (i) composition of the evaluation committee set up therefor, and
 - (ii) outcome thereof.

(Vide reply to PQ No. B/28)

Madam Speaker: Next question, hon. Osman Mahomed!

IRRIGATION AUTHORITY – ALLEGED MALPRACTICES & MISMANAGEMENT- COMMITTEE OF INQUIRY

(No. B/30) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Agro-Industry and Food Security whether, in regard to the proposed setting up of a Commission of Inquiry, as per Cabinet decision of 15 December 2017 following allegations of malpractices and mismanagement at the Irrigation Authority, he will state where matters stand.

Mr Seeruttun: Madam Speaker, let me at the outset draw the attention of the hon. Member that Government did not set up a Commission of Inquiry but a Committee of Inquiry to look into the allegations of malpractices and mismanagement at the Irrigation Authority. This Committee started its work on 12 February 2018 and it was expected to submit its report within 30 working days, as per its Terms of Reference.

However, given the large number of complaints and related issues and the number of requests for representation at the said Committee, the Chairman has requested for an extension of time up to the third week of April 2018 for the Committee to submit its report.

Mr Osman Mahomed: Thank you. Well, this whole affair started following a reporting to ICAC of the Internal Auditor - I believe now ex-Internal Auditor - against the Chairman, ex-Acting General Manager and Acting Head Administration, as reported in the Press.

The hon. Minister has stated, publicly so articulated, that she was suspended for *fautes graves*. Can we know from the hon. Minister what these *faute graves* were, except the reporting that she has made to ICAC?

Mr Seeruttun: Madam Speaker, we have set up a Committee, in fact, to look at all those allegations. So, let the Committee come up with their report and recommendations, then we will be in a better position to assess those *fautes graves* or not.

Mr Osman Mahomed: Can the hon. Minister enlighten the House, as regards to lavish and generous payments of arrears being made to the ex-Acting General Manager? Is that a fact or still this need to be enquired by the Committee?

Mr Seeruttun: Again, Madam Speaker, these were the allegations that were being ventilated in the media and, the more so, the reason for having put this Committee of Inquiry to look at all those allegations so that we are in a position to state whether these are founded or not.

Mr Osman Mahomed: Can the hon. Minister enlighten the House about whether any charges whilst a committee is working on - as set up by himself - the charges that have been filed against all the protagonists in this case at this stage?

Mr Seeruttun: I am not aware of any charges filed. If the hon. Member could indicate to me to whom is he referring to and what charges is he referring to.

Mr Osman Mahomed: Well, the auditor has been suspended and the General Manager has become the ex-General Manager, surely there must have been grounds for them to be ex and ex - suspended. So, can we know what are the charges that have been charged against them?

Mr Seeruttun: Well, as far as the Acting General Manager is concerned, he was an employee of this institution as a Principal Engineer at that time before he was appointed Acting General Manager. At the time that this whole thing blew up he was asked to step down as Acting General Manager and that is when he reverted back to his old position.

With regard to the auditor, as far as I can recall, she was appointed a year before and she was still on probation and due to some poor performance, they decided not to renew her contract - as far as I can recall.

Madam Speaker: Hon. Jhuboo!

AQUACULTURE - SHARKS PROLIFERATION - SURVEY

(No. B/31) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the aquaculture projects and a scientific survey on shark proliferation carried out by one Mr J. K. for Government, he will state if the final report thereof has been submitted and, if so, indicate –

- (a) the recommendations thereof, and
- (b) if same will be rendered public.

Mr Koonjoo: Madam Speaker, I am informed that a study to evaluate the impact of aquaculture on the proliferation of sharks in the Mauritius waters was commissioned by the then Board of Investment following the continued claims by stakeholders that the development of aquaculture would lead to an increase in the risk of shark attacks in our lagoon.

The expertise of a world renowned shark expert was enlisted for this purpose. The study was carried out in collaboration with the technical officers of my Ministry and the University of Mauritius and was based on evidence and fieldwork. I am further informed that the findings of this study have been submitted to the Economic Development Board.

Madam Speaker, as hon. Members of the House are aware, an appeal has been lodged before the Environment and Land Use Appeal Tribunal on the EIA licence granted to the promoter for aquaculture.

Making the report of the study public at this stage may be perceived as pre-empting the outcome of the case before the Tribunal. Consequently, it would not be appropriate for me to disclose the contents.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Both l'AHRIM and the BOI have conveyed reports on aquaculture and both reports come to the conclusion that aquaculture projects cannot be implemented in touristic areas. So, will the hon. Minister agree with me that the future aquaculture projects will be developed on remote areas, outside touristic zones?

Mr Koonjoo: Madam Speaker, I just said that the case is in the Court and we want the Court to give the judgement and then we can act on that.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. Last time, I, myself, asked a question to hon. Minister Koonjoo about the presence of sharks with regard to the aquaculture nets that are being put, especially in Grand Gaube and since then hon. Minister Gayan came for a visit and he took it very lightly and said that next time he would book an appointment with the sharks since he saw none of them. And a week after, they caught a two-meter tiger shark! A week after, exactly where hon. Gayan was! Then when questioned, he just...

Madam Speaker: No, the hon. Member must ask his question because I have given him leeway to make his question intelligible! So, he must ask his question!

Mr A. Duval: In view of the fact, according to hon. Gayan himself, shark fishing is illegal according to Conventions, what is the Government proposing now to stop these huge sharks - proliferation of dangerous sharks in the lagoon especially in Grand Gaube around hotels? What are they doing to remedy that since clearly it is illegal to fish and they are offering no other solutions?

Madam Speaker: Yes!

Mr Koonjoo: Madam Speaker, I just said we are waiting for the outcome of the Court and it is well-known that - I will come with a statement in the House later on concerning the whole thing. That's it.

Madam Speaker: Last question, hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Madam Speaker, the site identified by Government for aquaculture project is situated in Bambous 1 and Bambous 2. For those who are familiar with these places, they are also called *les falaises d'Albion*. Now, in an article dated 24 February 2018, the hon. Minister of Industry, Commerce and Consumer Protection stated that Government is going ahead with a petroleum hub in the region of Albion. So, my question to the hon. Minister is: could he enlighten the House as to whether he finds it appropriate to have aquaculture farming next to or in the middle of a petroleum hub?

Mr Koonjoo: Madam Speaker, I just said I will come later on with a statement in the Parliament about the whole thing. It is the only country in the world where aquaculture - people are talking about sharks and only in Grand Gaube...

(Interruptions)

Yes, Reunion is something different!

(Interruptions)

Madam Speaker: Don't reply to...

Mr Koonjoo: I will come with the paper...

(Interruptions)

Madam Speaker: Now, allow the hon. Minister to reply peacefully, please!

Mr Koonjoo: I said that!

(Interruptions)

Madam Speaker: Hon. Minister!

(Interruptions)

Mr Koonjoo: I said that!

Madam Speaker: Hon. Minister!

(Interruptions)

Hon. Minister, please you don't have to engage in any conversation with hon. Members of the Opposition!

Mr Koonjoo: Once the case is over, I will come definitely with a strong...

(Interruptions)

Madam Speaker: Please! Please, I have already said that you should not disturb the hon. Minister when he is replying.

(Interruptions)

Please don't! And don't make remarks from a sitting position, please! Yes, hon. Jhuboo, next question!

POUDRE D'OR - SEA CUCUMBER - CULTURE

(No. B/32) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the proposed culture of sea cucumber by Mauricoast Ltd. on an extent of 46 hectares of Barachois in the region of Poudre d'Or, he will state if the project has started and, if so, indicate the tonnage of sea cucumber produced thereat as at to date.

Madam Speaker: Yes, hon. Minister!

Mr Koonjoo: Madam Speaker, in September 2015, my Ministry authorised Mauricoast Company Ltd. a local company, to undertake an aquaculture project in the Barachois at Poudre d'Or.

The Company commissioned a feasibility study on aquaculture of the sea cucumber at the Barachois. The consultant carried out bathymetric survey, visual assessment, in-depth analysis of the quality of the water and sediment testing.

On 08 March 2016, the company informed my Ministry that the consultants have found the site suitable for the proposed project. Unfortunately, Mauricoast Ltd. could not continue with the project as the company was denied access to the Barachois by

Persand Royal Co. Ltd. A legal case was lodged by Mauricoast against Persand Royal Co. Ltd before the Supreme Court on 13 June 2016.

Consequently, Mauricoast Ltd has not been able to pursue its activities.

Following representations from Mauricoast Co. Ltd, legal advice was sought from the Solicitor General's Office on this issue.

The Solicitor General has informed my Ministry that Persand Royal Co. Ltd be given a deadline for the removal of the gate and fencing, failing which my Ministry would proceed to the removal of the gate and fencing, whilst reserving the right to seek reimbursement from the company for any cost incurred.

On 06 November 2017, this Ministry advised Persand Royal Co. Ltd accordingly and the company was given a deadline of 21 days to abide by the Ministry's instructions for the removal and relocation of the gate and fencing. However, it failed to do so.

Procedures are under way to relocate the gate and the fencing.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Could we know from the hon. Minister how much is the rental, how much is the lease charged per year to Mauricoast Ltd?

Mr Koonjoo: There is no lease for any barachois in Mauritius.

Madam Speaker: Hon. Ramful!

Mr Ramful: May I know from the hon. Minister if there is any clause in the contract with regard to any time limit that has been given to Mauricoast for it to start operation?

Mr Koonjoo: I said there is no cost also because it remains the property of the Ministry and the Government.

Madam Speaker: Yes, hon. Jhuboo!

Mr Jhuboo: Madam Speaker, Government charges the following rental figures for hotel site. It is up to Rs2 m. per year, annual fee. For agricultural land in Plaine Sophie, it is Rs1,000 lease. Now, in this particular case, Government gives a permission or grants a permission to a company on an extent of 100 *arpents* and does not derive a single rupee out

of it. Will the Minister agree with me that Government should at least charge a sum, even a small fee?

Mr Koonjoo: Madam Speaker, I must make it clear once for all that even in the past there was no charge, no fees for anybody looking for a concession in the sea, especially in the sea. In the land, it is something different. So, I must insist to say that there is no charge, no fees, nothing. It remains the property of the Government. We give it for people, especially cooperative, to carry out aquaculture in the lagoon. But we are even thinking about that also in the future, what to do about the lagoon and, if not, change the place and put them outside the lagoon.

Madam Speaker: Last question, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Is not it the case that, in fact, Mauricoast is unable to go ahead with the project because they do not have money and they have actually served a notice on SMEDA last year, requesting them to ask MauBank to give them Rs20 m. and, when they refused, they are now going after the SMEDA? So my question is: is not it the truth that, in fact, Mauricoast does not even have the money to go ahead with this project?

Mr Koonjoo: I do not have this information, Madam Speaker. I do not know about this. If they have done it, I do not know.

Madam Speaker: Next question, hon. Jhuboo!

ALBION - PETROLEUM PORT & JETTY PROJECT – FEASIBILITY STUDY

(No. B/33) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the Petroleum Port and Jetty Project at Albion, he will state where matters stand.

Mr Gungah: Madam Speaker, in my reply to PQ B/485 in July 2017, I informed the House that in May 2017, the Joint Working Group comprising the State Trading Corporation, Indian Oil Corporation Ltd and Mangalore Refinery and Petrochemicals Limited had issued a Request for Proposal to Engineers India Ltd for carrying out a detailed feasibility study on the Petroleum Port and Jetty project at Albion, on the basis that EIL had already completed the prefeasibility study for that project.

In September 2017, the Joint Working Group appointed EIL to carry out the detailed feasibility study to assess the viability of the project. The study will comprise three components -

- Geotechnical Investigations (Offshore and Onshore);
- Marine Modelling, and
- Market Studies.

The contract for the conduct of the Geotechnical Investigations (Offshore) has already been awarded to an Indian firm, which will start the study in the coming weeks.

Regarding the Geotechnical Investigations (Onshore), tenders were called from Mauritian firms and the Consultant is evaluating the bid received.

For the Marine Modelling study, the contractor has already been selected following a bid exercise.

As regards Market Studies, the Joint Working Group is considering the report of the Consultant and will soon decide on the allocation of the contract.

A final decision on the project will be taken after receipt of the detailed feasibility report.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Merci, Madame. Le ministre, dans une interview datant du 24 février 2018, a affirmé la chose suivante -

« Le gouvernement attend les rapports suite aux études de faisabilité autour du port pétrolier à Albion. Mais réaffirme sa détermination à faire de Maurice un centre régional pour le 'bunkering'. »

Donc, le ministre a éclairé la Chambre sur l'aspect financier. En 2017, la Banque mondiale, en consultation avec le gouvernement, a produit un rapport qui a émis des réserves sur le plan environnemental. Est-ce que le ministre peut éclairer la Chambre sur ces *issues* environnementales ?

Mr Gungah: No, I do not have that report, Madam Speaker. But what I can say is that all procedures will be carried out concerning environmental aspects for the project.

Mr Jhuboo: Madame la présidente, le village d'Albion est coincé entre la station d'épuration de St Martin, les éleveurs de porc de Bassin Requin, Gamma-Covanta a failli voir le jour, et maintenant le *Petroleum Hub*. Donc, et à juste titre, ils sont inquiets des conséquences écologiques. Et tout ce qui est fait, tout ce qui est proposé aux habitants d'Albion c'est qu'un *EIA*, un *Environmental Impact Assessment* sera demandé au promoteur pour les rassurer d'éventuels problèmes environnementaux. Le ministre peut-il prendre l'engagement de ne pas aller faire seulement un *EIA*, mais d'*appoint* aussi des experts indépendants qui sont capables de faire la lumière sur tous les dangers potentiels du *bunkering* à Maurice, des dangers sociaux, environnementaux, pas seulement pour la région d'Albion, mais aussi pour le pays en entier ?

Mr Gungah: I assure, once again, Madam Speaker. I have been assuring and assuring many times, and I have shown that all precautions will be taken. I would also like to inform the hon. Member that the port in Port Louis is already congested and we cannot have any further development. Recently, we had the episode of the embargo at Karnataka, and we know what happened and what could have happened. If we had not found any supplier during that weekend of 02-03 December, that country would have had shortage of petroleum products. And it is this Government that started the project of MOST at Mer Rouge which, if things go on well, will be operational very soon. But we cannot stop here. We have to develop. We have to come with more storage capacities. It is good to note that the Port Master Plan, which carried out a study in 1996, identified Albion area for future bulk storage facilities. And even in the year 2002, the Port Master Plan recommended that Albion site be reserved for long-term port development, mainly for dedicated tank farms for petroleum products and other hazardous products, including coal.

We know, Mauritius, being a touristic island, I do not know if Members realise, Seychelles is also a touristic island. Seychelles, today, has a big storage capacity for petroleum products, and not only that, it has a fleet of almost six tankers. They do trading in the region and they do bunkering. I don't know why, if we take all precautionary measures, if we respect all environmental conditions, I don't know why Mauritius should not succeed in being that hub and, at the same time, ensuring the population that they won't be affected in terms of environment or other aspects.

Madam Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Merci, Madame la présidente. Je suppose que le ministre est au courant qu'il y a une pétition qui a été signée par les habitants d'Albion qui ont, plusieurs fois, demandé une rencontre avec le ministre pour qu'il vienne expliquer le projet en détail aux habitants. Est-ce que le ministre est disposé à venir expliquer cela aux habitants d'Albion?

Mr Gungah: Bien sûr, Madame la présidente. Comme j'ai expliqué, on est encore au stade d'étude et ce sera le résultat de cette étude qui va nous faire décider si on va de l'avant ou non, et j'espère qu'on ira de l'avant, mais définitivement en temps et lieu, on aura les rencontres avec les *stakeholders*.

Madam Speaker: Last question, hon. Ameer Meea!

Mr Ameer Meea: Yes, Madam Speaker, the realisation of such a project will require substantial amount of investment. So, can I ask the hon. Minister how this project will be financed? Will it be a Government financed project, joint venture Government/private sector or will it be with the help of foreign countries? I would like to know whether this has been discussed and finalised.

Mr Gungah: Madam Speaker, it is going to be a G-to-G project, the Government of India and the Government of Mauritius. The stakeholders are: State Trading Corporation which is a State-owned company, Mangalore Refinery (MRPL) which is also a State-owned company and Indian Oil which is also a State-owned company. I must say that the Government of India has agreed to grant money, especially for the construction of the jetty which is a prerequisite for the project to be viable.

Madam Speaker: Next question, hon. Jhuboo!

CHEMIN GRENIER MARKET FAIR - CONSTRUCTION

(No. B/34) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the proposed construction of the Chemin Grenier market, she will state where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I wish to inform the House that the construction of Chemin Grenier Market Fair, along Chamouny Road, is presently at the bidding stage.

This said project is being funded under the Indian Line of Credit and bids were invited on 07 February 2018, through the EXIM Bank of India.

The closing date for submission of bids is 02 April 2018.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. On 24 February 2015, which is three years ago, I asked the same question to the then Minister and he told us that the acquisition was under process and that the project was going ahead very quickly and since then both the public and the sellers have been penalised by the poor lack of infrastructure. So, I would appeal to the hon. Vice-Prime Minister to call upon her good services to see to it that the project is implemented rapidly. Thank you.

Mrs Jeewa-Daureeawoo: Yes, I take note.

Madam Speaker: Next question, hon. Hurreeram!

POINTE D'ESNY LAKESIDE DEVELOPMENT PROJECT - EIA LICENCE

(No. B/35) Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Pointe d'Esny Lakeside Development Project, he will state if an Environment Impact Assessment (EIA) Licence has been issued therefor and, if so, indicate if –

- (a) the presence of wetlands has been noted on site, and
- (b) the impact thereof on wetlands and on the local ecosystem of the neighbouring Pointe d'Esny Wetland, one of the three Ramsar sites in Mauritius, has been determined.

Mr Sinatambou: Thank you, Madam Speaker. I wish to inform the House that no EIA licence has been issued to Pointe d'Esny Lakeside Company Ltd. However, an application for an EIA licence by the company for a proposed inland integrated residential development at Pointe d'Esny was received on 23 November 2017 at my Ministry.

The proposed development comprises a construction of 172 villas, 278 apartments and penthouses, 100 duplexes, 105 service slots with educational, sport, leisure and commercial facilities on a plot of freehold land of an extent of 709,648.26 square metres located at Pointe d'Esny, Beau Vallon.

With regard to part (a) of the question, I wish to inform the House that the EIA report and plans submitted by the proponent indicate the existence of wetlands on the site. A joint site visit, with all concerned stakeholders, was affected on 15 December 2017 and the presence of the wetlands was indeed confirmed on the site. I am told that the Pointe d'Esny Ramsar site occurs at about 160 metres away from the boundary of the proposed site.

Madam Speaker, with regard to part (b) of the question, I am informed that a geophysical investigation has been carried out by the project proponents. The study has apparently not evidenced a direct hydrogeological or terrestrial continuity between the Ramsar site and the wetlands found there.

A Biodiversity and an Ecological Impact Assessment Report has also been provided in the EIA report purporting to document any potential impacts of the proposed development on the terrestrial and aquatic environments within the project site.

A number of mitigating measures have also been proposed, but no development will be undertaken, at least, on the wetlands as well as its 30-metre buffer. A minimum setback of at least 30 metres will be observed from the edge of the ponds and wetlands. I wish to reassure the House that all the impacts and mitigating measures will be assessed in depth during the EIA process.

Moreover, Madam Speaker, the views of the various stakeholders will be taken into consideration prior to any decision being taken.

Madam Speaker: Hon. Hurreeram!

Mr Hurreeram: Thank you, Madam Speaker. I thank the Minister for his answer. Will the hon. Minister consider providing a setback just like it has been done in La Cambuse Project where the setback has been increased? Will the hon. Minister consider providing a longer setback for the project given that they have sufficient ground around?

Mr Sinatambou: As I just stated in my reply, Madam Speaker, I stated that a minimum setback of, at least, 30 metres will be observed which, therefore, leaves way for longer reserves, of course, upon the need arising, but I, indeed, remain quite open to the suggestion.

Madam Speaker: Last question, hon. Thierry Henry!

Mr Henry: Merci, Madame la présidente. Est-ce que le ministre est au courant qu'il y a deux lettres des ONGs et des habitants des environs qui s'inquiètent sur son projet, mais qui ne sont pas contre les développements et qui ont demandé une rencontre avec les responsables de la EIA et du projet, mais jusqu'à l'heure, ils n'ont pas encore eu de réponse ? Est-ce que le ministre est au courant de ces correspondances ?

Mr Sinatambou: That is why, Madam Speaker, I also stated in my reply that all the impacts and mitigating measures will be assessed in depth during the EIA process and that - I highlight - the views of the various stakeholders will be taken into consideration prior to any decision being taken.

Madam Speaker: The Table has been advised that the following PQs have been withdrawn: B/44, B/51, B/53, B/59 and B/60.

PRISONERS – PARTY - PARTICIPATION

(No. B/44) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the prisoners, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to if any prisoner has participated in any party held in December 2017 and, if so, indicate the name and grade of the officer who gave authorization therefor.

(Withdrawn)

CUREPIPE CCID OFFICE - MR D. G. - ARREST

(No. B/51) Mr A. Ganoo (First Member for Savanne & Black River) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Mr D. G., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) where matters stand as to the inquiry initiated into the circumstances of –
 - (i) the alleged arbitrary arrest and detention thereof at the Curepipe CCID Office on 26 January 2018,
 - (ii) and (ii) reasons of the violence inflicted thereto, including him having been chained and stripped naked, indicating the actions taken against the Officers involved therein, if any, and

- (b) if the Director of Public Prosecutions was consulted prior to objecting to the release thereof on bail.

(Withdrawn)

PRISON TRAINING SCHOOL – PARTY - FEMALE PRISONERS

(No. B/53) Mr V. Baloomoody (Third Member for GRNW and Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Prison Training School, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to if a party was held thereat on 13 December 2017 and four female prisoners were allowed out of their cells to attend same, in breach of the Standing Orders of the Prison and, if so, indicate if an inquiry is being carried out therein to and obtain from the National Preventive Mechanism Division of the Human Rights Commission or other relevant authorities if inquiries are being carried out therein to.

(Withdrawn)

PULMONARY TUBERCULOSIS – QUARANTINE GUIDELINES

(No. B/59) Dr Z. Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to Pulmonary Tuberculosis, he will state the number of patients diagnosed therewith in 2017, indicating the

–

- (a) number thereof –
- (i) who are foreigners and expatriates, and
 - (ii) treated in the public and private health sectors, respectively, and
- (b) quarantine guidelines being applied by his Ministry in relation thereto.

(Withdrawn)

MALARIA - PROTOCOLS

(No. B/60) Dr Z. Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to malaria, he will state the number of patients diagnosed therewith in 2017, indicating the –

- (a) number thereof –
- (i) who are foreigners and locals returning from abroad, and

- (ii) treated in the public and private health sectors, respectively, and
- (b) protocols followed by his Ministry in relation thereto.

(Withdrawn)

Madam Speaker: Time is over!

MOTION

SUSPENSION OF S. O. 10(2)

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

Sir Anerood Jugnauth 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 Judicial and Legal Provisions Bill (No. I of 2018)*
- (b) *Pouce Stream (Authorised Construction) (Amendment) Bill (No. II of 2018)*

Second Reading

THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS BILL

(No. XXIII of 2017)

Order for Second Reading read.

(4.25 p.m.)

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Madam Speaker, I move that the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects Bill (No. XXIII of 2017) be read a second time.

The Convention is usually referred to as the Convention on Certain Conventional Weapons (CCW) or the Inhumane Weapons Convention. The purpose of the Convention is to ban or restrict the use of specific types of weapons causing indiscriminate effects or of a nature to cause superfluous injury or unnecessary suffering during conflicts, particularly to civilians.

The Convention itself contains only general provisions. All prohibitions or restrictions on the use of specific weapons are contained in the five Protocols to the Convention. The structure was adopted in this manner so as to ensure future flexibility. One of the important features of the Convention is that it can be expanded in response to the development of new weapons or changes in the conduct of warfare.

The original Convention with three Protocols annexed to it was adopted on 10 October 1980 and entered into force in December 1983. Subsequently, Protocol II was amended and the Convention was updated and two more Protocols were annexed to it. The details of the Protocols are as follows –

Protocol I on Non-Detectable Fragments prohibits the use of any weapon the primary effect of which is to injure by fragments which are not detectable in human body by X-rays. Such fragments are difficult to remove and cause unnecessary suffering.

Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and other devices. It relates to the prohibition of mines, booby traps and certain other explosive devices.

Protocol III on Prohibitions or Restrictions on the Use Incendiary Weapons which are primarily designed to injure through flame or heat.

Protocol IV on Blinding Laser Weapons relates to the prohibition of the use and transfer of laser weapons specifically designed to cause permanent blindness and provides for precautions to be taken when using laser systems for other purposes in order to avoid causing permanent blindness.

Protocol V on Explosive Remnants of War addresses post-conflict measures of a generic nature, through voluntary practices, in order to minimise the risks and effects of explosive remnants of war.

Mauritius adhered to the Convention and to Protocols I to III in May 1996 and subsequently to Protocol IV in June 2003. Protocol II was amended in 1996 and entered into

force in 1998. The original Protocol applied only to situations of international armed conflicts. The amended Protocol, however, regulates the use of landmines and prohibits the use non-detectable anti-personnel mines and their transfer, prohibits directing mines and booby traps against civilians and thus broadens the obligations of protecting peace keeping missions. This Amended Protocol outlaws the use, stockpiling, production and transfer of anti-personnel mines.

In addition, during Group of Experts meetings it has been noted that to the exception of the Amended Protocol II of the CCW, no other disarmament, arms control or International Humanitarian Law instrument explicitly addresses the issue of diversion or illicit use of materials that can be used in improvised explosive devices called IED. An IED can be defined as an explosive device placed or fabricated in an improvised manner and incorporating destructive, lethal, noxious, or incendiary chemicals. There is also much concern on the growing use of homemade explosives (HME) as source materials for IED.

Adherence to Protocol V, which entered into force in November 2006, is also important as it recognises the serious post-conflict humanitarian problems that are caused by explosive remnants of war. This Protocol which is the first multilaterally negotiated instrument to deal with the problem of unexploded and abandoned explosives, is intended to eradicate the daily threat that such legacies of war pose to populations in need for development and humanitarian aid workers operating in the field to help the victims and the exposed populations.

In line with its commitment at the international level to fully comply with its obligations in the field of International Humanitarian Law, Government will ensure that Mauritius adheres to the amended Protocol II and Protocol V once the Bill is passed.

Madam Speaker, it is apposite to note that Mauritius has already put in place the necessary legal framework with regard to the purchase, retention, transfer and use of chemical precursors that might be used for the purpose of Improvised Explosive Devices (IEDs) and Homemade Explosives (HMEs), through the following enactments -

The Explosive Act & Explosive Regulations,

The Customs Act,

The Prevention of Terrorism Act,

The Chemical Weapons Act and

The Dangerous Chemical Control Act.

As regards the Amended Protocol II of the CCW, it is to be noted that Mauritius is already party to the Ottawa Convention on Anti-Personnel Mines which is most stringent than the provisions of Amended Protocol. In fact, the former obligates State parties to eliminate landmines whereas the Amended Protocol only places limits to the use of Anti-Personnel Mines.

Madam Speaker, Mauritius is a staunch supporter of International Humanitarian Law, commits itself to ensure the protection of civilians against the effect of internal as well as international conflicts. The domestication of the Convention and its Protocols would, therefore, be a positive step viewed by the international community as regards our commitments in the field of International Humanitarian Law both at regional and international levels.

Madam Speaker, since this Government has assumed office we have spared no effort to ensure that we live up to our international obligations to domesticate international and regional instruments that we have ratified. The House will recall, for example, that in 2016, the then hon. Prime Minister, Sir Anerood Jugnauth came to the House with the Anti-Personnel Mines and Cluster Munitions (Prohibitions) Bill (No. VIII of 2016) and the Act came into operation on 25 June 2016.

Madam Speaker, I will now highlight some of the provisions that are being proposed in the Bill -

Clause 1 is the short title which will be the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to have Indiscriminate Effects Act 2018.

I have to highlight that this Bill was introduced in the House on 08 December 2017, but will be passed in 2018.

Clause 2 of the Bill deals with the definitions and it is apposite to note that care has been taken to include, in the Schedule, the Convention and its Protocols which are referred to in Clause 2 of the Bill.

Clause 3 is an important commitment by the State that the Act will bind the State. Pursuant to Section 9(1) of the Interpretation and General Clauses Act, it is provided that unless otherwise expressly provided, no enactment shall bind the State.

In Clause 3(b) of the Bill is provided that this legislation is in addition to, and not in derogation from, the Anti-Personnel Mines and Cluster Munitions (Prohibition) Act 2016 so that the purport of this Bill is to add to our existing legislative framework.

Clause 4 of the Bill deals with the express prohibition against the use of weapons which have as primary effect injury by fragments which, in the human body, are non-detectable by X-rays.

Clause 5 of the Bill deals with Prohibition of Anti-Personnel Mines, Mines, booby-traps and other devices and creates prohibitions against the use of such devices.

Clause 6 of the Bill provides for prohibitions in relation to the use of incendiary weapons.

Clause 7 of the Bills seeks to prohibit the employ or transfer of any blinding laser weapon. Further, clause 7(2) casts a duty on every person employing any blinding laser weapon to take every feasible precaution to avoid the incidence of permanent blindness.

Clause 8 of the Bill seeks to prohibit the possession, or otherwise, acquisition, retention, stockpiling and use or transfer of any explosive remnant of war.

Clause 9 of the Bill imposes a duty on the Minister to ensure that every feasible precaution is taken to protect civilians from the effects of weapons to which the Bill applies. This clause, in particular, casts a duty on the Minister to minimise the risks and effects of explosive remnants of war in post-armed conflict situations.

It is also apposite to note that in clause 9(2) of the Bill, the Minister is given powers to make regulations for the purposes of discharging these duties under this clause. The provision will enable greater flexibility and responsiveness in the implementation of the provisions of the Bill.

Clause 10 thrusts an important responsibility on the Minister in relation to the issue of guidelines for the training of officials performing a function under this legislation or the Convention and its Protocols. This provision will ensure that there is a clear statutory duty on the Minister in relation to this aspect of the legislation.

Clause 11 of the Bill provides that the Minister may, by notice in writing, require any person, whom he has reason to believe has any information or document relevant to the administration and enforcement of this legislation to provide such information or document within such period as may be specified in the notice.

Clause 12 of the Bill imposes a duty on every person who is in possession of any prohibited weapon or component, within 3 months of the commencement of this Act, to notify the Commissioner of Police.

Clause 12 also provides for –

- (a) the duty of notification of persons in possession of any prohibited weapon or component part, in the event of any military deployment outside Mauritius;
- (b) registration of the notification by the Commissioner of Police and seizure of the prohibited weapon or component;
- (c) forfeiture of seized prohibited weapon or component part;
- (d) disposal of any seized prohibited weapon in such manner as the Commissioner of Police may determine.

Clause 13 of the Bill is an important provision as it provides for the means of enforcing the provision of the legislation through offences and penalties. As we are dealing with weapons which have to be strictly regulated, the penalties prescribed are proportionate to the harm which may be caused by those weapons.

Clause 14 of the Bill provides that the *fiat* of the Director of Public Prosecutions will be required for any prosecution under this Act. This is necessary given the serious nature of the offences prescribed.

Clause 15 provides for the conferment of jurisdiction under this Act to Mauritian Courts. Of course, our Courts cannot have extra-territorial jurisdiction unless there is a nexus to Mauritius. The nexus which is required is provided for under this clause 15.

Clause 16 of the Bill provides for regulation-making powers of the Minister. It is worth highlighting that since we have made the Convention and the Protocols part of the Act by including them in the Schedules and since we have provided that the Schedules may be amended by Regulations, we have placed ourselves in a position where we can react to changes to the Convention and the Protocol in a very timely manner and domesticate those changes through regulations.

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

Mr Toussaint rose and seconded.

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

At 4.39 p.m., the sitting was suspended.

On resuming at 5.14 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Uteem!

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, the object of the Bill today is to ratify a Convention that we signed on the use of certain conventional weapons.

Preparing for this speech, I could not help but go down memory lane and remember the days when I was a student and the teacher in General Paper asked the question, to discuss ‘All is fair in love and war’.

People in love, soldiers in wartime are not bound by any rule. So, there was a discussion whether when you are at war, you can use all available methods, all weapons that you want to inflict harm and damage and you are excused because it is exceptional circumstances, it is war. However, luckily for humanity, Mr Deputy Speaker, Sir, since time immemorial, men have always tried to lay down rules of war; rules to regulate the conduct of war; rules to regulate the methods of war; rules to regulate the types of weapons that can be used in war; how to deal with prisoners of war; how to deal with bounty of war; how to protect civilians from being unnecessarily subdued and inflicted to much damage.

In fact, Mr Deputy Speaker, Sir, the Holy Scriptures teach us how war should be conducted, if war cannot be avoided, if it is inevitable, if you can’t have peace. For example, in the Bible, the Old Testament is full of lessons as to how war should be conducted; how one should behave in time of war. For example, to quote from the Book of Deuteronomy -

“Abstain from every evil thing when at war against your enemy. Thou shall not unnecessarily oppress kindred nations thou are at war with. Enemies that surrender peacefully should be put under tribute and not be killed.”

Similarly, in the Holy Quran, Surah Al-Baqarah, Chapter 2, verse 190 -

“Fight in the way of God those who fight you, but do not transgress, because God does not love the transgressors.”

This verse has been interpreted as meaning that war is only permitted against actual fighters, not against civilians. Discrimination and proportionality should be strictly observed. Only combatants are to be fought. No harm should be caused to them which is more than necessary, and if they surrender, they should be treated with kindness.

Similarly, in the Mahabharat, there is a discussion between the ruling brothers concerning what constitute acceptable behaviour on the battlefield, and there is the example of the rule of proportionality again.

In the laws of Manusmriti, weapons that caused unnecessary sufferings were forbidden; for example, certain types of arrows with fire that can destroy the environment - the trees. Arrows which were poisonous were prohibited in battle.

Closer to our time, there is the Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, adopted by 16 States on 22 August 1864 in Geneva. This is what is commonly known as the Geneva Convention; the Geneva Convention which was subsequently amended three times, until we have the final version, the 1949 Geneva Convention, which regulates prisoners of war, how prisoners of war should be treated, which regulates how humanitarian missions should be allowed in war zones and how civilians should be protected, how refugees can be taken away. Then, there was a series of conventions limiting the use of certain weapons in convention war.

There was the St Petersburg Declaration of 1868, renouncing the use, in times of war, of explosive projectiles under 400 grams weight. The Geneva Protocol of 1925 bans the use of chemical and biological weapons. The Biological Weapon Convention of 1975 bans the development, production, stockpiling of weapons of mass destruction, and the Chemical Weapon Convention of 1993 prohibits the development, production, stockpiling of chemical weapons.

There is also the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, known as the Ottawa Treaty. Hon. Members of the House would recall that this very House, in 2016, adopted the Anti-Personnel Mines and Cluster Munitions (Prohibition) Act of 2016.

The Convention that we are asked to ratify today, Mr Deputy Speaker, Sir, goes in the same line as the Geneva Convention, goes in the same line of all these previous Conventions which have banned the use of weapons which cause unnecessary hardship, which are unethical - as if there was anything ethical about war anyway.

So, this Convention which was adopted in 1980 and came into force in 1983 prohibits the use of certain conventional weapons, protects the civilians against the effect of the war. Some of the weapons are, for example, non-detectable fragments; these are small particles which remain in the body and are not detectable by x-ray, which cause a lot of pain. Landmines and booby traps; these are explosives that are disguised in normal objects, for example, in a toy or anything which you would not expect would be explosive. There are incendiary weapons. People who would have seen movies from the First World War and

Second World War would have seen people with guns fighting with flames. This is being banned. Ban on laser weapons that cause blindness. This is also being banned. And finally, the clearance of remnants of war. What are remnants of war? They are bombs which have been dropped, but did not explode, or explosive that has not been used. And these remnants of war are extremely dangerous because the civil population can inadvertently step onto them or detonate them. So, even long after war has been completed, there is a requirement, a duty, an obligation to clear the war sites from those remnants of war.

Of course, Mr Deputy Speaker, Sir, there has been criticism about this Convention. The main criticism obviously is that it does not cover all the weapons which cause unnecessary damage or disproportionate damage, and this is why we have protocol to the Convention.

Now, we have to understand that there is a strong lobby behind producing and using those weapons. Those manufacturers are very often in countries where there is no war. They are in developed countries; they are in the United States, in European countries and Asian countries as well. They are manufacturing it and it is a big income generating activity for their country. So, they are very reluctant in trying to extend the banning of different types of weapons. Right now, they are talking about robotics to try to ban the use of robots that will go and do damage. But this is hotly disputed. So, one of the main criticisms is that this Convention is not complete.

The other criticism is that it covers only the use of those weapons. It bans the use of the fragmented weapons, the laser that causes blindness, the booby traps, but it does not ban the manufacturing, the production of these weapons. So, you can be producing these weapons and these weapons are illegally smuggled in armed conflict zones, mainly Africa today, or in the Iraq, Syrian areas, this is fine. As long as you are not using it, it is not an offence. So, I think this is a major shortcoming. Not only should the Convention be banning the use of these weapons, but they should also be banning the production and sanctioning countries and companies that produce those weapons.

Mr Deputy Speaker, Sir, preparing for my speech, I was asking myself why do we need this Convention. We are blessed - Mauritius - to have a peaceful country. We are at peace with our neighbours. We have, and I hope this is still the Government policy, to have a military-free Indian Ocean, a disarmed Indian Ocean.

The last time we had war in this country was in 1810 between the French and the British. So, one may think how relevant is this Convention to us and why we are signing it and why we are debating it. Well, I can think of at least two reasons, Mr Deputy Speaker, Sir, why this Convention is very important to Mauritius. First is on the international level. I happen to be an executive Member in the Pan-African Parliament on the Commission for Cooperation and Conflict Resolution, and whenever we go for meetings and conferences, there is always a pressure by the other African Nations to make sure that Mauritius has ratified all Arms Treaties, all Conventions against weapons.

So, the first reason why it is important that we live up to our international commitment is the peer pressure, to tell the world that we are against the use of these weapons. But, the second reason is, for me, much more important and relevant and it relates to the misuse of Mauritius in arms trafficking. We should realise that Mauritius as a financial centre is vulnerable and we do not have to go - this morning there was a PNQ about the FSC and how certain companies have been licensed which, in our minds, were not fit and proper people to get a licence. But, imagine that tomorrow you have crooks that use a Mauritius global business company, an offshore company to buy those illegal arms and then ship them and transport them and sell them to conflict zones! We cannot allow Mauritius, our reputation, to be tainted. But, if we don't make it illegal to use these arms, if we don't make it illegal to buy the remnants of war, to stockpile them, to transport them and to sell them, we will not be able to sanction companies which misuse Mauritius in arms trafficking. So, for me, this is one of the most important reasons why we welcome this Bill. It is to protect our reputation in the global business sector.

The only comment I have, Mr Deputy Speaker, Sir, on the Bill itself is in regard to the sanction. Under the Article 14 of the Convention, there is an obligation on every Member State to impose penal sanctions against a person who in relation to arm conflicts breaches the Convention. But, the Convention does not tell us what that penal sanction should be, what should be the penalty. And, this is provided in this Bill at Clause 13.

Now in Clause 13 - Offences and Penalties, where the offence involves intentional causing of death of another human being, there is a sanction of penal servitude for a term not exceeding 60 years. That shows how important, how serious, misusing those weapons can entail and there is 60 years imprisonment.

But, subsection (2), when it comes to corporate bodies –

“(...) corporate body which contravenes sections 4, 5, 6, 7 or 8 shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees.”

Now, what is Rs200,000 for a company which is involved in arms trafficking in billions of dollars and euros?

Even in the ICTA Act if you send an SMS with an insult, you misuse a telecommunication device, you are subject to a fine of up to Rs1 m. But, here, as a corporate you are using those arms, those illegal weapons, which are going to cause mass destruction and the only sanction for you is Rs200,000 as fine! So, my only comment on the Bill which we welcome on this side of the House, Mr Deputy Speaker, Sir, is if the hon. Attorney General can look into the matter again, this penalty, the fine for corporate offenders because in Mauritius this is where we are more likely to be applying this Convention if a global business company misuses Mauritius jurisdiction and involves in arms trafficking.

Thank you.

The Deputy Speaker: Hon. Dayal!

(5.30 p.m.)

Mr R. Dayal (First Member for Flacq & Bon Accueil): Mr Deputy Speaker, Sir, the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects Bill (No. XXIII of 2017) together with other Conventions, namely, the Treaty on Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention, the Biological Weapons Convention, the Hague Code of Conduct against Ballistic Missile Proliferation, the Arms Trade Treaty, establish solid policy to set up a control list at national level.

This Bill is timely for reinforcing proactively the national security strategy to protect life and property in the fast evolving security environment with the threat posed by extremism and terrorism. This Bill will also help create a congenial climate of safety and security for our Motherland as a prized tourist destination and sustainable financial investment hub.

The Indian Ocean is the theatre of maritime piracy, no doubt. Syria and Iraq are crude reminders of the perfidious use of prohibited chemical weapons as well as incendiary weapons in Vietnam. The Republic of Mauritius is *un Etat de droit* where the rights and

liberties of the average citizen is constitutionally protected. Thus, our legal framework needs to be reinforced to minimise our vulnerability in tune with international trends and hon. Minister Gobin, was to be commended for that.

This Government's positive response is laudable indeed in the national interest and in view of the mushrooming of conflicts in Africa. The object of this Bill is to –

- “(a) give effect to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and to its Protocols;
- (b) provide for the protection of civilians and civilian populations, as well as for post-armed conflict measures.”

The Republic of Mauritius has in the Comity of Nations multifaceted diplomatic obligations and commitments at national, regional and international levels to ensure respect for humanitarian laws which Mauritius has ratified and, at the same time, to inoculate the system from cross-border crime related to arms trafficking as mentioned in Part II – Prohibitions or Restrictions on the Use of Certain Conventional Weapons. Clause 4 - non-detectable fragments; Clause 5 - Anti-personnel mines, mines, booby-traps and other devices; Clause 6 - Incendiary weapons; Clause 7 - Blinding laser weapons and Clause 8 - Explosive remnants of war. Part III, Clause 9 - Measures to protect civilians and civilian populations. Part IV, Clause 13 - Offences and penalties, underpin this Government's resolve as a responsible Government to deal firmly with those who contravene sections 4, 5, 6, 7 or 8. I must highlight that the Republic of Mauritius is not subjected to bombast like many countries primarily because of the robust legal framework strictly regulating importation and use of explosives. And, here, I must say that I have not seen any provision regarding importation of whatever is listed in this Bill. Maybe the hon. Minister can look into it, but I know that for explosives - because I drafted that Bill - it mentions clearly importation, use has to be controlled hundred per cent by the security forces and we have done it for quite some time now.

Since I was appointed Commanding Officer of the Special Mobile Force in 1986 and Commissioner of Police in 1994, under construction operation of an explosive magazine in Bigara - we had an explosive magazine in Bigara when I was Commanding Officer and I must say that nowhere explosives are found in Mauritius except at Bigara and next door, about 50 metres from here, we had a magazine containing explosives which was really *périmé*.

Our judicious investment in the capacity building of our security forces within the theory of minimum force and, here, I must stress, we are one of the few countries in the world where we go by the principle of minimum force and this is why we have peace and harmony in this country. Our judicious investment in the capacity building of our security forces within the theory of minimum force and respect for human rights spelt out clearly in our National Training Policy and have been harping on it for quite some years which I had the privilege of triggering as Commanding Officer of the SMF for some eight years and as Commissioner of Police for some three years and as a consultant at the Headquarters of the ICRC in Geneva. And this has spared us the trauma of insecurity and the wrong use of firearm and the devices mentioned in this Bill because our officers operate outside Mauritius as well. I was in charge as operation officer in Morocco. The inculcation of the do's and don'ts of the Geneva Convention of 12 August 1949 and its adjoined protocols have been instrumental in shaping the mindset of our security forces and here I must say we have officers in our security forces who go strictly by the rule that we teach them although we have a couple of cases where we have non-respect of the law. But, we always have it in any society. The Attorney General, Minister of Justice, Human Rights and Institutional Reforms must be commended for coming up with this Bill. And I must say Government, because Government will be establishing and evaluating sanction and deploying body for monitoring efficient technical detection and disposal programme. And also there has been provision for training which I think is fundamental in capacity building; training programmes to address all functions in detail which is the foundation of proper control. And there are, of course, a lot of challenges because the commission of weapons get developed with new technologies and, therefore, we have to be on the *qui-vive* to see to it that there is complete respect of whatever legal framework we are instituting.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Dr. Boolell!

(5.38 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Mr Deputy Speaker, Sir, I stand in support of this Bill. However, I would like to refer to an extract which is a common feature to all the four protocols, and I quote –

“Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.”

Our Constitution states very clearly that –

“Mauritius shall be a sovereign democratic state which shall be known as the Republic of Mauritius.”

Why have I referred to this extract which is common feature to all protocol, it is precisely because of the case that we have lodged or that we are lodging. And I say it is very relevant because neither UK nor the US which have adhered to this Convention have complied fully with the provisions of the Convention and I will later refer to two other Conventions, namely the Dublin Convention and the Ottawa Convention to highlight a concern which is very deep-seated in respect of what is going on in Diego Garcia.

A Conference was held in New York and it was the 9th Conference of State Parties to the United Nations Convention on the Rights of Persons with Disabilities. And this session was entitled ‘Ensuring victims of explosives hazards are not left behind’. And it was organised by the United Nations Mine Action Service (UNMAS). Now, a delegate who was well-known when she was in Mauritius, she attended that meeting and she raised very relevant questions at the meeting; one regarding Diego Garcia and the UN Convention on the prohibition of the use, the stock-piling, production and transfer of anti-personnel mines and of the destruction adopted in Ottawa on 18 September 1997, known as the Ottawa Convention. And earlier the Minister did refer to the Ottawa Convention and the UN Convention on cluster mines adopted in Dublin on 30 May 2008.

Now, this is very relevant because in spite of the fact that UK adheres to those two Conventions and has ratified those two Conventions, it is not a pain heed to its obligation and is falling foul of its obligation. And we know what is happening in Diego Garcia in respect of stock piling, in respect of transfer of those weapons at sea or on land. And I think this is very important; as I have said, it is a deep-seated concern and I would expect our friends from Government to take up this matter. And I know when we put across our case forcefully, be it

the African Union or in the UN, these are issues which had to be raised and I hope that they have been raised very forcefully. Not only there is no respect of Human Rights but also there is violation of convention to which they have adhered, but there is no compulsory obligation on their part to adhere strictly to those conventions.

Now, you may recall that when there was the arbitration in respect of the case which we lodged before the UN arbitral, it was made clear that to Mauritius, that Chagos Archipelago would be returned to Mauritius when no longer needed for defence purposes. For the first time this had a legal status which brings it back to what I have said; it reinforces our case, to make our case very forcefully before all relevant body and to make it quite clear that when it comes to our adhesion to those conventions, these conventions have to be applied.

Now, concerns have been expressed for several years that the UK has been in breach as I have stated, not only of the letter of those obligations but also of the spirit of those obligations. For example, in respect of the Ottawa Convention, it does not extend to the Chagos Archipelago which of course for them is BIOT. But the Secretary for Foreign Affairs has the power to derogate and to allow stock piling of those munitions and the transfer of those munitions on board ships and in our territorial waters. So, it is relevant because we have to put our case across as member of the African Union, to our friends on the African continent, as a member of non-aligned movement we have to convey the signal very forcefully. And it is time also that we grasp the opportunity to write to the United Nations mine action service.

I think we have ground to write to the Secretary and to highlight the non-adherence of countries which have signed the Convention and now we are signing this new Convention. For certain, they are not bound, although in respect of the letter, there is no problem, but when it comes in the spirit, they are not bound. Besides, one should not forget that the lease agreement between UK and the US has been renewed for another 50 years. They cannot simply say that the US is not party to the Ottawa or to the Dublin Convention and carrying on with activities which are illegal.

So, my appeal to the Minister is to take up this matter very forcefully. There is a strong case and it is a legitimate case. In respect of what we are doing today, it is not a question of adherence, but it is a question of implementation. There is a case, which we can make before the international community to condemn outright both US and the UK.

Thank you, very much

The Deputy Speaker: Hon. Rutnah!

(5.48 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Mr Deputy Speaker, Sir. “If you want peace, you prepare for war”, said the Roman General Vegetius. Since time immemorial, civilisations after civilisations have had recourse to war. Since thousands of years, weapons have been devised. In the ancient time, arrows were used. Some arrows were poisonous. Some arrows bore boiling tar, others even had arsenic smoke and noxious substances. When they were launched with the wind, those substances were carried and civilians were victims of those noxious substances. During the World War I, chlorine and phosgene gases were used against innocent civilians.

On 22 April 1915, in Leper, Belgium, hundreds and thousands of innocent civilians died because of the use of prohibited weapons. In the 1980s, Iraq used chemical weapons against innocent civilians. In 1988, Mr Saddam Hussein deployed army in the Northern region of Iraq, hundreds and thousands of Kurdish, innocent civilians, including women and children, in the region of Halabja met their death in tragic circumstances. And we remember when pictures were shown at the United Nations during the debate of the Geneva Convention on War, how the international community reacted to the massacre in Halabja.

Even now in Syria, what is happening! The youth of heavy artilleries, that is, killing innocent civilians! All these wars have one feature. The feature is, all of them want peace and that is why I started, “if you want peace, you prepare for war.” But what kind of a war! There should be rule of engagement, proportionate, legal, fair and to ensure that innocent civilians do not become the targets of rogue nations.

Today, what we are doing is we are bringing Convention at home. We are demonstrating to the international community that we are compliant. Even if we are a small State in the Indian Ocean, we are compliant with international norms relating to the law of wars and the Convention is now being incorporated in our local law by virtue of the legislation that this Parliament is going to pass.

Mr Deputy Speaker, Sir, clause 4 of this Bill deals with non-detectable fragments. These non-detectable fragments are known as Conventional Weapons because unlike weapons of mass destructions, they are deployed in war zones, so to say, to target combatants. But we know, eventually, these weapons are aimed at places where people, who

don't use the rules of engagement, use human beings as shields and, eventually, innocent civilians die.

Similarly, in relation to the other war devices that we are concerned with in relation to clauses 5, 6, 7, and 8 – anti-personnel mines, mines, booby-traps and other devices, incendiary weapons. Now, incendiary weapons, I have experience. What are they? They are the most dangerous types of conventional weapons that you may find in any army. Because when they are launched, they explode and that explosion creates fire. That is why they are called incendiary devices.

(Interruptions)

Yes!

In those incendiary devices, you may also have rogue nations, may also inject noxious substances and other forms of chemical arsenal in order, to cause massive damage to the civilian population. Blinding Laser Weapons, explosive remnants of war! The words 'Blinding Laser Weapons' are self-explanatory, if they are launched and attacked, people go blind and the chemicals, substances in it will not choose who is going to be blind. Anyone can be victim of that laser blindness.

In relation to the explosive remnants of war, only a few weeks ago, we heard that in the prison compound, some World War II or colonial era bullets were found. Those bullets have been sent at the moment to the Forensic Lab to analyse and to test. And you know how dangerous they could be? If they are tampered with some kind of force with a metal, they can explode.

So, like this, there might be remnants of war anywhere in the world; even in Mauritius. Because in the past, we, in Mauritius, we had war in 1810 between the British and the French, and when the French lost the war, we became a British colony. So, we never know what we have. But what is important in relation to the Bill before the House today is that we will not allow any individual, either from a foreign country or from home, to use any weapon on our territory, be it on our land or shore.

I have listened very carefully to our able hon. friend from the Labour Party, hon. Dr. Boolell. He dealt with the issue of Diego Garcia, stockpiling of arms - very important territorial and jurisdictional issue. Diego Garcia, as far as the British and the Americans are concerned, by virtue of their conduct, their acts and doing, they say that part of the Island is not within our territory, is not within our Sovereign territory, that is why they can do

whatever they want. And this is the issue on which the case at the International Court of Justice will be argued; that now, it's high time to complete the process of decolonisation so that we can take back our Chagos Archipelago and give respect and the dignity that any human being from Chagos has been sent back to Mauritius or to Seychelles.

But we cannot allow, tomorrow, an American plane, a B52 bomber, landing on our shore or at the Airport and transfer stockpiles of weapons, conventional or otherwise, to be transited to war zone, where those weapons would be used against innocent civilians. I know Yemen, but there are people in the world, like ex-President Bush said, who are axis of evil. People who are evil can commit evil act by virtue of the strength and arrogance. But we have to be careful and that's why we need laws like this in Mauritius. We also have Mauritian citizens going abroad, training in illegal training camps and fighting wars abroad.

And if they are involved in the use of incendiary device or land mines or whatever kind of conventional weapons which are illegal for use in Mauritius, then they can be tried in Mauritius even though it is not an offence in the country where they have used those weapons, by virtue of clause 15 of this Bill.

Mr Deputy Speaker, Sir, I have one problem with this Bill. It is with clause 13. My friend, hon. Uteem, touched upon it, but there are other aspects of clause 13 that I propose to deal with, and I will humbly ask the hon. Minister to consider whether this clause should be amended.

Clause 13 deals with Offences and penalties, and it reads as follows -

“Any individual who contravenes section 4, 5, 6, 7 or 8 shall commit an offence and shall, on conviction, be liable (...)”

My problem is with the words “Any individual”. We are only targeting an individual here. But what about those who give instructions? What about those who are away from Mauritius and giving instructions? What about those who are a member of a corporate body, for example, in the Cayman Islands, and giving instructions? So, I suggest, for more clarity, that we should include “any individual, including those who give instructions, whether he is within the territorial jurisdiction of Mauritius or otherwise, and contravenes section 4, 5, 6, 7 or 8 commits an offence and shall be liable to whatever penalty.”

But if we take the issue of nexus with the country, why do we, therefore, make provision under clause 15 on jurisdictional issues? That if someone goes and fights outside, even if it is not an offence out of Mauritius, he can be dealt with in Mauritius. But what about

if someone from an outside foreign jurisdiction giving instructions? How we are going to deal with that if we do not make provisions for it? And also, when we deal with the sentencing, with the penal servitude, we say “where the offence involves the intentional causing of death”. Sometimes, in war, you cannot prove intention. How am I going to prove intention if I am flying an aircraft and miss target as a result of my recklessness if I am the pilot, and I am supposed to discharge armory and weapons in a jurisdiction like Mauritius and my target fails and goes and attack civilians? How am I going to deal with that? How am I going to prove intention? So, I suggest in that particular phrase where the offence involves the intentional and/or reckless causing of death, because if the pilot is reckless in discharging the ammunition from up there, then we cannot have him tried because of a technical issue relating to his mens rea. So, it is on this point that I suggest the hon. Attorney General should ponder.

I also agree insofar as the fine levied on a corporate body is menial and does not reflect the severity that ought to be reflected. If someone in a corporate, in a company in Mauritius deals with weapons of mass destruction, then if he is caught, if the company is caught, he will be paying a mere Rs200,000 fine and get away with it. And possibly a closure of the corporate body! I suggest that the fine aspect should be reviewed. But overall, the intention of the Bill, the intention of this legislation reflects our seriousness and our will to demonstrate to rogue nation that acts which are prohibited by law of wars will not be tolerated in our island.

On this note, Mr Deputy Speaker, Sir, thank you.

The Deputy Speaker: Hon. Adrien Duval!

(6.07 p.m.)

Mr A. Duval (First Member for Curepipe & Midlands): Thank you, Mr Deputy Speaker, Sir. My colleagues on both sides of the House have said a lot about the Convention. We do not feel concerned by the wordings of this Convention. When the hon. Attorney General read the Second Reading of the Bill, I have to say, I didn't feel concerned at all when we hear the use of landmines and incendiary weapons and we see in the Bill itself, the word 'army'. And we do not feel concerned because not only don't we have an army here, only paramilitary Police, but thanks to God we have no conflict in Mauritius. Unfortunately, we are concerned because we have our African neighbours. We have a continent which is, unfortunately, raged by conflicts today.

Mr Deputy Speaker, Sir, according to Forbes, the sales of arms and military services across the world is estimated to be worth, in 2016 alone, 374.8 billion US dollars. And there is an increase on a yearly basis. It has increased from 2015 to 1.9%. This is a huge, extreme, impossible to compute in your mind, to try and understand and comprehend what this figure represents. The budget of Mauritius alone is about 2 billion dollars, and we are talking about hundreds of billions of dollars that private companies are putting in their pockets through the invention and manufacturing and distribution of weapons that sole purpose is to take life. And, unfortunately, with technology, these inventions are becoming always more innovative and always more brutal and always more inhumane in the taking of life.

If you think about the conflicts that go around the world, you think of countries, of course, like Syria, Libya, Afghanistan, Iraq, countries faraway in the Asian region, but we tend to forget that there are countries in the African region still plague by civil wars. And, more worryingly, we tend to forget that the past conflicts, long resolved, still have, today, their inheritance in their land.

There are 68 countries, Mr Deputy Speaker, Sir, today estimated plagued by landmines, contaminated by landmines deeply buried in the soil. And out of those 68 countries, we estimate to be 110 million landmines. And out of that figure, 37 million in the African continent alone. Our neighbours like Angola and Zimbabwe are countries which today have enormous amounts of landmines still present. It is estimated that in Angola and Zimbabwe alone at the rate at which today we are discovering and unburying landmines, it would take 11 centuries to complete the process. These are figures that should worry us as a neighbour because, unfortunately, Mr Deputy Speaker, Sir, it is so often the case that it is the children who are the victims of these buried landmines.

And the Convention does not talk only about landmines. It talks about other weapons, incendiaries, lasers that are used in conflicts, and that, unfortunately, are creating havoc in those countries. And I think what we can do here and what we are doing here is to show - first of all, by implementing the provisions of the second amended protocol and the 5th protocol - the way to all those big nations that have still not fully implemented these provisions.

If you think about it, Mr Deputy Speaker, Sir, *en Syrie, il y a eu des rapports très récemment des missiles incendiaires utilisés et par l'Amérique, les forces américaines et les forces Russes. Il y a eu aussi des rapports d'armes chimiques utilisées contre des enfants*

dans les villages, contre des civils qui n'ont rien à faire avec le conflit. Et ces grandes nations - comme l'honorable Dr. Boolell a mentionné - comme l'Amérique n'ont toujours pas implémenté les termes, les protocoles de la Convention et continuent jusqu'à ce jour à violer ces conventions.

And as a country, Mauritius who believes in the spirit of the Convention, we must use every opportunity that we have in international forums, at the United Nations as parliamentarians, as Ministers to speak out and voice out against these crimes being perpetrated against humanity, and we must, as neighbours of Africa, as part of the African continent, support the efforts of organisations like the HALO Trust which has made his mission to demine, remove the mines from the countries like Zimbabwe which are still threatened by these. And I think that we can show the way and lead in the region. *On est un fer de lance* in trying to influence these countries to take seriously to implement the Convention on prohibitions or restrictions on the use of certain conventional weapons.

Thank you.

The Deputy Speaker: The sitting is suspended for 15 minutes.

At 6.16 p.m., the sitting was suspended.

On resuming at 6.44 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Attorney General!

Mr Gobin: Thank you, Mr Deputy Speaker, Sir, and thank you particularly for giving me the time to prepare and circulate the proposed amendment which I intend to move at Committee Stage.

Mr Deputy Speaker, Sir, I thank all hon. Members for the valuable comments they have made on this Bill. I do not have much to add on what has already been said.

In response to the comments of hon. Uteem as to our international commitments, more particularly on the African Continent, I very much appreciate the work hon. Uteem is doing on the Pan-African Parliament, but all the hon. Members who participate in the Pan-African Parliament, the SADC Parliamentary Forum or other international fora face the same difficulty year in and year out, and the difficulty is how to respond to the query Mauritius regularly receives insofar as the question of the domestication of this Convention is concerned. Now that Mauritius is coming with this Bill, it will relieve all the hon. Members when participating in those international fora.

To the observations of hon. Dayal, I have had the opportunity of discussing with him. But let me reiterate it that this Bill is in addition to what is already provided in other Statutes, namely our Explosives Acts, our Explosives Regulations and the Anti-Personnel Mines and Cluster Munitions (Prohibition) Act, that is, the latest one which was passed in 2016, such that if there is a shortcoming which has been identified, it is already covered in those other legislations.

To the observation of hon. Dr. Boolell on the possible stockpiling of weapons in Diego Garcia, to the extent that this matter of Chagos is before the ICJ, I will say very little in this forum. I will leave the matter to be taken in the appropriate forum in the ICJ namely, but suffice it to say that if tonight we are passing this Bill, it will become a law upon being gazetted and upon being proclaimed and a law, when passed by this House, is applicable over the whole territory of Mauritius.

And this takes me to this very important book which has been circulated today and in this beautiful legislation called the Constitution in section 111, we find the definition of what is our territory. “Mauritius” in section 111 of the Constitution, includes –

- “(a) the Islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius;
- (b) the territorial sea and the air space above the territorial sea and the islands specified in paragraph (a);
- (c) the continental shelf; (...)”

as well.

What I mean to say is once this Act will be law, it will be law on all these territories, including our seas such that we will be able to police this and we will have yet another ground on the international forum to make our voice heard on this issue.

My third and last point concerns the points raised by my learned friend, hon. Rutnah and learned friend, hon. Uteem insofar as clause 13 is concerned, that is, on the clause creating the offence and providing for the penalty. I will be circulating an amendment at Committee Stage, Mr Deputy Speaker, Sir, in clause 13 to replace the words “any individual” by the words “any person” and to increase the penalty insofar as corporate bodies are concerned from Rs200,000 to Rs2,000,000. Now, having taken this decision to increase

Rs200,000 to Rs2,000,000, I will also have to include another subclause to confer the necessary jurisdiction on the Intermediate Court to try such an offence and inflict a penalty.

With these words, Mr Deputy Speaker, Sir, I thank all hon. Members once again and, once again, I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS BILL

(No. XXIII of 2017)

Clauses 1 to 12 ordered to stand part of the Bill.

Clause 13 (Offences and penalties)

Motion made and question proposed: "that the clause stand part of the Bill"

Mr Gobin: Mr Chairperson, I move for the following amendments in clause 13 -

- “(a) in subclause (1), by deleting the word “individual” and replacing it by the word “person”;
- (b) in subclause (2), by deleting the figure “200,000” and replacing it by the figure “2,000,000”;
- (c) by adding the following new subclause –

(5) Notwithstanding any other enactment, the Intermediate Court shall have jurisdiction to try any offence under this Act.”

Amendments agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

Clauses 14 to 17 ordered to stand part of the Bill.

Schedules 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 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects Bill (No. XXIII of 2017) was read the third time and passed.

The Deputy Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 03 April 2018 at 11.30 a.m.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo) rose and seconded.

The Deputy Speaker: The House stands adjourned.

MATTERS RAISED

CANCER TREATMENT EQUIPMENT

(6.57 p.m.)

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): M. le président, ma requête ce soir s'adresse à l'honorable ministre de la Santé et concerne les patients atteints de cancer et qui doivent être traités en urgence par radiothérapie.

Plusieurs patients ainsi que certains de leurs proches, M. le président, m'ont contacté récemment et ont exprimé leurs craintes et appréhensions par rapport aux équipements défectueux à l'hôpital Victoria, tels que le simulateur en radiothérapie qui est en panne depuis plusieurs mois déjà paraît-il. Donc, sans simulateur, pas de radiothérapie, et cela avec pour conséquence que les risques de récurrence augmentent considérablement de même que la propagation du cancer à d'autres organes.

Le ministre qui est lui-même médecin sait pertinemment bien que si le patient tarde à entamer la radiothérapie, les chances de guérison s'amenuisent. Je ne vous cacherai pas, M. le président, que cela a vite créé une situation alarmante parmi les patients et leurs proches, incitant même certains à faire appel au Premier ministre à travers des pétitions en ligne, lui demandant d'agir rapidement et de faire l'acquisition d'un nouvel appareil, c'est-à-dire un

simulateur, dans les plus brefs délais, cela afin que les cancéreux puissent recevoir les meilleurs traitements ici-même à Maurice. Il paraît que les cas les plus urgents doivent se rendre en Inde pour le repérage des régions à être traitées par radiothérapie. Mais qu'en est-il des autres patients ? Quand pourront-ils bénéficier des traitements adéquats ? La mise en opération du nouvel hôpital pour les traitements du cancer n'est pas pour demain paraît-il, et l'achat des *linear accelerators* prévu dans le dernier budget se fait toujours attendre. J'avais moi-même, dans une question parlementaire l'année dernière, fait état de l'insalubrité dans laquelle se trouve les salles d'attente, les vestiaires entre autres, de même que les longues files d'attente, où dans bien des cas les patients, même âgés, doivent rester debout pendant longtemps avant d'être consultés par leur médecin ou de recevoir leurs traitements respectifs.

M. le président, il est plus qu'urgent que le gouvernement réagisse et fasse preuve de beaucoup plus de compassion à l'égard des malades souffrant de cancer.

Merci.

The Deputy Speaker: Dr. the hon. Minister of Health!

The Minister of Health and Quality of Life (Dr. A. Husnoo): Mr Deputy Speaker, Sir, I am very much aware of this problem. I have explained the problem so many times. Firstly, I come to the sophisticated apparatus - I have explained it -, the LINAC apparatus. This apparatus, Mr Deputy Speaker, Sir, is more than 20 years old. This apparatus should have been renewed 10 years ago. The life of this apparatus is about 10 years. It should have been replaced 10 years ago, but nothing has been done. The same apparatus has been used for nearly 20 years now. Sooner or later, it is going to pack. We have reached that situation. Now, when we have an apparatus like that, after 20 years, it is packed. It is a sophisticated apparatus. Is it easy to get spare parts after 20 years? Even the manufacturer does not have the spare parts. Just for this apparatus I am talking about, we have been trying to contact South Africa; we have contacted India, anywhere we can to get the spare parts to come. But, so far, we have not been able to get it. That is number one.

We are having the same problem with the Cobalt; more than so many years, nothing has been done. Now, what are we doing? We have only one Cobalt machine working. So, most of the patients that need to be treated, we are treating them here, but those who cannot be treated, we are sending them to India for treatment. We do not leave any patient without treatment, Mr Deputy Speaker, Sir. All the patients who need care, we make sure they go to

India. We advise them. It is going to cost a lot of money, it does not matter, but the Government is providing that care. That is the situation with the equipment.

Coming back to the situation with the building, we know the state and how it has been at Victoria for again 20-25 years. But we are moving, Mr Deputy Speaker, Sir. We are starting with a new cancer hospital. In about a week or so - tender has been done - we are going to have *les contracteurs*. They are going to be appointed in about two weeks or so. And once we get the contractor, hopefully in about a month or one and a half months, I hope they can start working at the new cancer centre. So, the work is being done. We are not sitting; we are working, be it on the equipment side and the building. You tell me to try to do something early. I cannot do anything early. I have explained it in this House before. We can buy LINAC, but to put a LINAC, you need a bunker. I have explained that last time. For a bunker, the thickness of the wall is five feet; the roof is five feet thickness of *béton armé*. Where am I going to get a building like that at present in Mauritius? We do not have it. You have to build it. It takes about six months to build that bunker. Once you build the bunker, it takes about six months to put the apparatus in it and to get it going. To commission the apparatus, it takes one year. You do not have. Hopefully, I am going to start the construction in about...

(Interruptions)

The Deputy Speaker: Please, allow him to answer the question!

Dr. Husnoo: Hopefully, I am going to start the building in about one and a half months. It is going to take about 15 months to 18 months for the new LINAC to be operational. So, we are working. We are working on the civil work, we are working on the equipment side, we are working on the training of doctors and those patients who need help, we are trying to send them overseas, Mr Deputy Speaker, Sir. That is the situation.

Thank you.

The Deputy Speaker: Hon. Uteem!

ZEP SCHOOLS – MEALS

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir. I would like to raise an issue which has cropped up at the ZEP school of Guy Rozemont in Tranquebar. But I am sure that this problem is recurrent in many ZEP schools. I have myself raised this issue several times in the past, and that is the

distribution of bread and food. I have a picture, which I am going to lay before the Assembly, showing the type of food that is being distributed in Tranquebar; frozen vegetables in a bread.

The hon. Minister has, in the past, stated that she has, with the help of nutritionists, come up with a balanced diet. But she has to take the circumstances, the realities of Mauritius. Not all Mauritians are vegetarians, not all Mauritians are used to eating the type of food that is prescribed. Same thing for soya bean. You know, they crush the soya bean to make it like a paste, and the children just throw away the bread. So, it is a waste of money from Central Government, which is subsidising all the PTAs for these breads.

I have raised this in the past, and I will urge the hon. Minister if she can talk to the nutritionists of the Ministry because I know that the parents of these students have written to the Ministry, had petitions in the past but, unfortunately, things are not improving.

Thank you.

The Deputy Speaker: Hon. Baloomoody!

MORCELLEMENT RAFFRAY, PAILLES – ROAD REPAIRS

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, in April last year at Adjournment time, I raised the issue of the states of the road at *Morcellement* Raffray, Pailles and then the hon. Minister, hon. Jhugroo, informed me that the needful would be done and that he would contact the Municipality of Port Louis. Unfortunately, there has not been much progress and things are getting worse. Following the heavy rain during the last two months, most of the roads, especially at the *Impasse*, Avenue Condé, Avenue Dodo, Avenue Cardinal, Avenue Engis, are impracticable.

What is sad, Mr Deputy Speaker, Sir, last year when I raised that issue, I said that many accidents happened there. Three weeks ago, a motorcyclist, in avoiding a porthole, killed himself. Either way, he would have been killed. Had he gone in the porthole with the motorcycle, he would have been killed. In trying to avoid that porthole, he knocked against a 4x4 which was coming in the opposite direction and he died a few days later. I am making a special appeal to the Municipality or the NDU, try to get the fund. What is worse

again, some taxis are even refusing to access these roads and causing considerable prejudice to those who are either old or suffering and who are in need of a transport.

So, I am making an appeal again one year after I raised that issue, try to look into the matter so that no lives are to be lost on these roads. Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daueeawoo): I will look at it personally, maybe with the collaboration of the NDU.

The Deputy Speaker: Hon. Ameer Meea!

CENTRE DR. IDRICE GOOMANY & GYMNASSE 1ER FÉVRIER – RENOVATION

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. The issues that I am raising tonight are addressed to the hon. Vice Prime Minister, Minister of Local Government and Outer Islands. There are two issues which are related, one is at Plaine Verte and the other one at Roche Bois.

At Plaine Verte, there is Centre Dr. Idrice Goomany and on the ground floor there is a badminton court, which is in a very bad state. The building itself is very old and there are leakages in the roof. There is also the absence of lightning and so many other problems. People have been complaining that it has not been renovated since long.

This second problem is more or less the same thing, but this one is at Cité Roche Bois. It concerns *Gymnase 1er Février*, whereby there are several leakages in the roof and when it rains the *Gymnase* is transformed into a swimming pool.

So, I would urge the hon. Vice-Prime Minister to take the necessary steps to remedy the situation in both cases.

Thank you, Mr Deputy Speaker.

The Deputy Speaker: Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I will look into the matter and take the necessary actions to remedy the situation.

The Deputy Speaker: Hon. Hurreeram!

BLUE BAY - PUBLIC BEACH - ACCESS

Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. I would like to raise a matter addressed to the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands concerning accesses to the Blue Bay public beach which have been blocked by private property owners.

In fact, my colleague Minister and myself have received several complaints from the inhabitants. In *Morcellement* Blue Bay, there are two roads: Rue des Homards et Rue des Corbigos which give direct access to the public beach. The beach is very much used by families and is popular among joggers and walkers as well. However, numerous complaints have been received in the past years regarding private landowners of the region attempting to block these access roads to the Blue Bay beach.

Last year, private property owners blocked access to the Blue Bay beach and my hon. friend, Minister Jhugroo, had to intervene to have the matter resolved. Unfortunately, it has started again. The latest complaint purports to the cutting of access to the beach by placing a wire rope across Rue des Homards with a signboard displaying: 'Private Road No Entry'. The incident happened in January 2018. These recurrent problems are leading to increasing irritations and disputes. Signs such as 'No Picnic', 'Private Road', 'No Entry' and 'Reserve' are cropping up and such situations may get out of hand.

The public should be allowed to exercise their right; private property owners should also be able to enter and exit their property without any restriction. However, no one should be allowed to restrict the common man from accessing the beach.

So, I will kindly request the hon. Vice-Prime Minister to please look into the matter.

The Deputy Speaker: Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daueeawoo): Mr Deputy Speaker, Sir, I will enquire into the matter. If that is the case, and if need be, I will convene a meeting with the Minister of Environment and Sustainable Development and the Minister of Housing too, to find practical solutions.

The Deputy Speaker: Hon. Rughoobur!

PERMITS BUSINESS AND MONITORING COMMITTEE - COMPOSITION

Mr S. Rughoobur (Second Member for Grand'Baie and Poudre d'Or): Thank you, Mr Deputy Speaker, Sir. I have got a request for the hon. Vice-Prime Minister relating

to the composition of the Permits Business and Monitoring Committee (PBMC) in Local Councils.

Presently, the composition of that Committee, as per the Local Government Act, has a majority of councillors, five, and technicians of the Council, only four. There have been cases of abuse. I am requesting the hon. Vice-Prime Minister to please look into the issue and consider the possibility of reviewing the Local Government Act whereby the technicians of the Local Council are either majority or they are alone in this Committee.

I would also make a humble request to the hon. Vice-Prime Minister if she could consider the possibility of ensuring that any Councillor - I am talking specifically for the Rivière du Rempart District Council - who has a case pending at the level of ICAC does neither form part of PBMC nor the Executive Committee at that specific Council.

Thank you.

The Deputy Speaker: Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daueeawoo): Mr Deputy Speaker, Sir, as far as I remember, the law has recently been amended in 2016 to cater for the new composition and as the law stands now, the Minister or the Ministry does not have any say on the composition of PBMC.

With regard to the third issue raised regarding a member who has a case before the ICAC, we need to know whether it was before or after his appointment. However, I will urge the Chairperson to see to it that members who have cases before the ICAC are not appointed.

The Deputy Speaker: Hon. Mahomed!

MALAKOFF/CRIMEA STREETS, PORT LOUIS - DRAIN

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir. The issue that I would like to raise this evening is addressed to the hon. Prime Minister who is also responsible for NDU. It concerns a serious health hazard issue, a public health issue. In fact, it concerns a drain. I do not want to use the word 'dredging' because it is a strong word, but a major clearing and overhauling of that drain is pertinent at this point in time. Because of the *débris*, a lot of water is accumulated and stagnated and it leads to the proliferation of mosquitoes and so on and so forth.

I raised this issue on 10 November 2015. I got the impression that it was meant for the Ministry of Local Government to take action. The then hon. Minister, Dr. Husnoo, had replied that he would look into the matter. In the meantime, when people went to the Municipal Council of Port Louis on the understanding that the sum was already voted for these works by the previous Council, they were told that the matter has been referred to the NDU for necessary action. Since then, nothing has happened. Hon. Mrs Roubina Jadoo-Jaunbocus is not here today, but now with a new PPS, Mr Oree, my request to the hon. Prime Minister is to ask the NDU to look into the matter as a matter of priority for the sake of public health. I am going to table a petition of residents who have expressed their concern about the issue. So, it is being tabled.

Thank you.

The Deputy Speaker: Hon. Deputy Prime Minister!

The Deputy Prime Minister: For the issue being raised, could I know which road?

Mr Osman Mahomed: Malakoff and Crimea Street. It is a drain that goes along the whole stretch of that road, squeezed in-between houses and so very difficult for people to get into. However, the authorities have the means to do it.

The Deputy Prime Minister: Well, I will convey the message to the Prime Minister's Office.

The Deputy Speaker: Hon. Ramful!

SSR INTERNATIONAL AIRPORT - TAXI LICENCE – GRANT

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. I have an issue with regard to the grant of taxi licences to operate from the SSR International Airport.

Recently, on 14 March, this year, there was a public notice by the NTA inviting applicants to apply for taxi licences to operate from SSR International Airport. There are a few criteria that were mentioned in the notice and, amongst them, of course, there was the criterion with regard to catchment area.

A list of places was included. I have the notice. You have places like Mon Fertile, New Grove, St Hilaire, but surprisingly, Mare Tabac has not been included. And Mare Tabac is nearer to the Airport than these places like Mon Fertile, New Grove, St Hilaire. Even Mare Chicose has been included, but there are no inhabitants in Mare Chicose. It is a ghost village.

May I...

(Interruptions)

I have no problems with the villages from Constituency No. 11, but then, in all fairness to those living in Mare Tabac, there are about 20 to 30 taxi permit holders in Mare Tabac and I do not see any reason why Mare Tabac is not included in the list. Unfortunately, it would appear that the time limit has expired. I think it was back on 23 March, but even then, I am making a request to the hon. Minister if he could kindly look into the matter and amend the notice and give some extension so as to allow applicants from Mare Tabac to apply.

Thank you.

The Deputy Speaker: Hon. Minister of Public Infrastructure!

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): Mr Deputy Speaker, Sir, certainly, if in all fairness this can be done, it will be remedied.

The Deputy Speaker: Hon. Jhuboo!

CITÉ LA FERME - SQUATTERS – LAND ALLOCATION

Mr E. Jhuboo (Third Member for Savanne & Black River): My request is addressed to the hon. Minister of Housing and Lands, and it pertains to the inhabitants of Cité La Ferme, the squatters of Cité La Ferme in the region of Bambous, about 50 families...

(Interruptions)

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

Mr Jhuboo: Thank you, Sir. So, there are about 50 families who were granted portions of land in the vicinity of the Black River District Council so that they could build their own houses. But, unfortunately, the site being prone to flooding, they had to be relocated. Now, a site in Beaux Songes was proposed to them, but nothing up to now has been finalised. So, I would appeal to the hon. Minister, as these people are living in difficult conditions, especially with the rainy season, if he could look into this matter urgently.

Thank you.

The Deputy Speaker: Hon. Minister of Housing!

The Minister of Housing and Lands (Mr Jhugroo): Mr Deputy Speaker, Sir, I thank my hon. friend to give me this opportunity to reply to this issue which has been

addressed by my very good friend, hon. Lesjongard, several times with my officers and the Chief Executive of the NHDC. The matter is being looked at, and I am informed that this will be settled in the near future.

The Deputy Speaker: Hon. Ramano!

BROWN SEQUARD HOSPITAL - DRUG ADDICTS - TREATMENT

Mr K. Ramano (Third Member for Belle Rose & Quatre-Bornes): M. le président, je souhaite porter à l'attention du ministre de la Santé un problème touchant un nombre grandissant de drogués qui sont aujourd'hui référés au Brown Sequard Hospital.

L'hôpital se trouve aujourd'hui avec une population de patients internés principalement pour des problèmes de psychiatrie, mais aujourd'hui les drogués qui sont référés sont placés dans des salles isolées et sécurisées, mais où ils sont mélangés avec les patients souffrant de problèmes de psychiatrie.

Le ministre de la Santé est lui-même un professionnel du monde médical. Il sera d'accord avec moi qu'il convient de donner un encadrement et un environnement différent aux patients souffrant de problèmes de psychiatrie et des drogués qui sont admis pour des cures de désintoxication. Nous avons tort aujourd'hui de sous-estimer cette calamité qui touche les familles mauriciennes avec l'infiltration de la drogue synthétique dans les familles mauriciennes.

Le nombre de jeunes et de moins jeunes qui sont aujourd'hui admis dans les services hospitaliers pour des troubles de santé liés à la drogue, plus précisément de la drogue synthétique, a atteint un niveau que je qualifierais d'état d'urgence sociale. Je demanderai au ministre de considérer la nécessité en urgence d'un service hospitalier ou d'un département de cet hôpital dédié aux victimes de la drogue, avec des professionnels. Merci.

The Deputy Speaker: Dr. the hon. Minister of Health!

The Minister of Health and Quality of Life (Dr. Husnoo): Thank you, Mr Speaker, Sir. I appreciate the problem, I realise the problem of synthetic drug, and it is a major problem across the country. I know the problem at BSH as well. I will make sure that they are separated, obviously - the patients from those drug addicts who are taking synthetic drugs. I appreciate the problem and I will look into it. Thank you.

The Deputy Speaker: Hon. Dr. Boolell!

SSR AVENUE & CANDOS JUNCTION - FLOODING

Dr A. Boolell (Second Member for Belle Rose & Quatre-Bornes): The matter I am raising is addressed to the Minister of Environment and to the Prime Minister who is responsible for NDU.

The T-junction between SSR Avenue and Candos is a flood prone area, and when it rains heavily, households and business premises are flooded. Can I ask the Minister to do the needful.

The Deputy Speaker: Hon Minister of Social Security, National Solidarity, and Environment and Sustainable Development!

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Mr Deputy Speaker, Sir, I propose to have a visit at that place so that we can see together what can be done about it.

The Deputy Speaker: Hon. Abbas Mamode!

(Interruptions)

Order!

(1) AULIAR SUNNI RAZVI MOSQUE - PARKING

(2) CAMP YOLOFF - COMMUNITY CENTRE

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Mr Deputy Speaker, Sir, I have two issues. The first one concerns hon. Bodha and the second one concerns hon. Mrs Jadoo-Jaunbocus who, unfortunately, is not present. I suppose you will transmit.

La première concerne la mosquée Auliar Sunni Razvi à la rue Sir Edgar Laurent. Auparavant il y avait un *no parking sign*, mais *c'était restricted only for a certain period of time during the day*. Mais, *unfortunately*, maintenant ces *no parking zones* sont complètement des deux côtés de la route. Et en sus, installer un *pedestrian crossing zone* devant la mosquée, parce que c'est un endroit très fréquenté.

Deuxièmement, je demanderai au ministre de l'Égalité du Genre qui s'occupe des centres communautaires de jeter un petit coup d'œil au centre communautaire de Camp Yolloff. C'est dans un état lamentable et peut-être c'est le centre le moins entretenu - malheureusement elle n'est pas là - de l'île. Donc, *I would request my friend, hon. Nando Bodha, to look into the matter.*

The Deputy Speaker: Hon. Minister!

Mr Bodha: I will certainly look into the matter, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Mrs Perraud!

CONGOMAH - SORAYE FAMILY - LANDSLIDING

Mrs A. Perraud (First Member for Port Louis North & Montagne Longue): Ma requête ce soir est adressée au ministre responsable du *Disaster Committee*. J'aimerais savoir quelles sont les mesures prises pour les maisons affectées par les récentes inondations et cyclones dans ma circonscription, mais tout particulièrement pour une maison à Congomah pour la famille Ravi Soraye et Premchand Soraye.

Cette maison a été sérieusement endommagée, et les officiers du *District Council* ainsi que ceux du *Disaster Committee* ont visité la famille. Ils ont pu constater de visu que la maison a de très larges fissures et qu'elle a été scindée en deux et une partie de la maison est presque suspendue à cause du glissement de terrain.

Donc, les officiers de *Disaster Committee* ont même conseillé à cette famille de partir, de ne pas habiter dans cette maison parce que c'est très dangereux pour leur sécurité. Mais à part de nombreuses visites des autorités et un conseil d'évacuer la maison, la famille est toujours dans l'attente de mesures concrètes pour les aider financièrement ou autre façon ou pour les rassurer, ou pour assurer leur sécurité. Et je dois dire que dans cette maison, il y a aussi une personne qui est handicapée. Mais jusqu'à maintenant à part les visites et un conseil, rien n'a été fait dans le concret.

Donc, aujourd'hui, je me fais porte-parole de la famille Soraye de Congomah, Ravi et Premchand, pour demander au gouvernement, qu'est-ce que le gouvernement compte faire pour assurer la sécurité de cette famille. Merci.

The Deputy Speaker: Hon. Minister of Social Security, National Solidarity, and Environment and Sustainable Development!

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Thank you, Mr Deputy Speaker, Sir. Well, I will be chairing a meeting of the National Disaster Risk Reduction and Management Council on Friday of this week. I will certainly take up the matter with the officer-in-charge and see what has to be done.

The Deputy Speaker: Time is over!

At 7.28 p.m., the Assembly was, on its rising, adjourned to Tuesday 03 April 2018 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

FIRE STATIONS – FIRE FIGHTERS & VEHICLES

(No. B/36) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime and Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to each of the Fire Stations, she will, for the benefit of the House, obtain from the Mauritius Fire and Rescue Service –

- (a) information as at to date the number of fire fighters posted thereat;
- (b) a breakdown of vehicles attached thereto, indicating the number of shortages thereof, if any, and
- (c) the regions/areas that they service.

Reply: I am tabling the information.

ABERCROMBIE - POLICE DIVISIONAL HEADQUARTERS – CONSTRUCTION

(No. B/38) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime and Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the proposed construction of a new and modern Divisional Headquarters at Abercrombie, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand, indicating –

- (a) the contract value thereof, and
- (b) if consideration will be given to accommodate a Sub-Office for the Passport and Immigration Office thereat, with a view to submitting passport forms and, if not, why not.

Reply: I am informed by the Commissioner of Police that tenders for the construction of a new and modern Divisional Headquarters at Abercrombie were launched on 09 December 2017 and four (4) bids were received by the closing date which was on 21 February 2018. The bids are currently at evaluation stage at the Central Procurement Board. The exercise is expected to be completed by end of March 2018, after which, the contract will be awarded to the successful bidder, subject to there being no challenge from unsuccessful

bidders. The construction is expected to start by May 2018 and be completed by December 2019.

With regard to part (a) of the question, I am informed that the estimated project value is Rs78.7 m.

As regards part (b) of the question, I am informed that provision has been made to accommodate a Sub-Office for the Passport and Immigration Office in the new building.

**POLICE STATIONS, DETENTION CENTRES & DIVISIONAL
HEADQUARTERS - CONSTRUCTION**

(No. B/39) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime and Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the proposed construction of Police Stations, Detention Centres and Divisional Headquarters, he will, for the benefit of the House, obtain from the Commissioner of Police, a list thereof, indicating in each case where matters stand, indicating the –

- (a) cost estimate thereof, and
- (b) expected start and completion dates thereof.

Reply: I am hereby tabling a list in regard to the construction of Police Stations, Detention Centres and Divisional Headquarters, with details on the status of the projects, the cost estimates as well as the expected start and completion dates.

**INDIAN OCEAN ISLAND GAMES 2019 - NATIONAL COACHES/
DIRECTEUR TECHNIQUE NATIONAL**

(No. B/40) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the 10th Indian Ocean Island Games 2019, he will give the list of the national coaches and of the Directeur Technique National (DTN) attached to each discipline listed for

- participation therein, indicating in each case the –
- (a) date of appointment;
- (b) conditions of work, and
- (c) remuneration thereof.

Reply: I am tabling the required information in respect of National Technical Directors who are directly employed by my Ministry.

As regards the National Coaches, I am only providing their names and date of employment. Details regarding salary/remuneration and conditions of employment rest with the respective Federation.

NATIONAL SPORTS POLICY - BIDDERS

(No. B/41) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the proposed elaboration of a National Sports Policy, he will give the list of bidders therefor, indicating the respective bid values thereof and the name of the successful bidder therefor.

Reply: Following the measure announced in the Budget Speech 2017-2018 for the formulation of the National Sports Policy, my Ministry undertook a pre-selection exercise and 7 potential overseas bidders were identified and retained. A request for proposal for the design, drafting and formulation of a National Sports Policy was launched on 10 October 2017 and only two proposals were received from Portas Consulting of United Arab Emirates and TSE Consulting of Switzerland.

After the bids evaluation the contract was awarded to Portas Consulting, as the technically most responsive bidder, on 22 February 2018 for a contract amount of Rs6,701,390. The consultant is expected to complete his assignment by June 2018.

BEAU BASSIN - MORCELLEMENT LA CONFIANCE - FOOTBALL GROUND

(No. B/43) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the football ground situated at Morcellement La Confiance, in Beau Bassin, she will state if same is available to clubs and residents of the locality and, if so, since when and, if not, why not.

Reply: I am informed that at *Morcellement La Confiance*, in Beau Bassin, there is only a fenced football ground without any amenities.

In 2016, in order to encourage local residents/clubs to use the football ground, the land was mowed by the Municipal Council of Beau Bassin/Rose Hill. However, due to the non-availability of facilities such as tarred access from the main road to the football ground, a

cloakroom and lighting, no sports clubs/residents have expressed their interest in using the football ground.

MAURITIUS MARITIME TRAINING ACADEMY - OFFICER-IN-CHARGE – RECRUITMENT

(No. B/45) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the Mauritius Maritime Training Academy, he will, for the benefit of the House, obtain therefrom, information as to the name, qualifications and salary of the officer-in-charge thereof and the procedure used for the recruitment thereof.

Reply: I am informed that the Post of Head of the Mauritius Maritime Training Academy was filled on 01 September 2016 by a recruitment exercise following a Public Advertisement from local candidates.

The selected candidate Dr. Sanjiv Kumar Babooa assumed duty on 01 September 2016. Amongst the other qualifications required for the post, Dr. Babooa holds a PhD in Administration from the University of South Africa.

He has been offered a 3-year contract for the post as from the date of his assumption of duty with a monthly salary of Rs72,400 plus other allowances in accordance with the recommendations of Pay Research Bureau.

I am tabling before the House a copy of the Contract of his employment and the conditions, together with details of his qualifications and experience.

As regards the last part of the question, as I mentioned earlier, the post was advertised locally and twelve (12) candidates applied for the post out of whom seven (7) candidates were eligible for the post and they were called for interview and all of them attended.

The Selection Panel comprised Mr J. D. P. Labonne, Deputy Permanent Secretary of my Ministry as Chairperson of the Selection Exercise. Mr R. Prayag, Chairperson, Mauritius Oceanography Institute, Prof (Mrs) R. Mohee, then Vice Chancellor, University of Mauritius and Mrs S. Mohit Juliette, Assistant Manager, Human Resources of my Ministry were members.

All procedures, in accordance with the Public Service Commission Regulations and with the approval of the Public Service Commission, had been followed for the recruitment exercise.

ALBION - CAMP CREOLE – FOOTBALL GROUND

(No. B/47) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in

regard to the sports complex at Camp Créole, in Albion, she will state if consideration will be given for the renovation thereof and, if so, when.

Reply: I am informed by the District Council of Black River that there is no sports complex at Camp Créole in Albion as indicated by the hon. Member. In fact, there is only one football playground at Camp Créole.

I am further informed that a request was made by the Council to the National Development Unit, as far back as the year 2013, for the upgrading of the football ground, the construction of a cloakroom and a spectators stand.

I am informed that bids have been launched by the National Development Unit for this project and the closing date is 03 April 2018. The works are expected to start in May 2018 and are expected to be completed in February 2019.

SPORTS – OMBUDSPERSON - POST

(No. B/48) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the post of Ombudsperson for Sports advertised in the dailies on 28 June 2017, he will state the number of applications received and interviews carried out, respectively, indicating the outcome thereof.

Reply: The position of Ombudsperson for Sports was advertised in June 2017 because it was foreseen at that time that the position could have become vacant. Following the advertisement, 19 applications were received.

However, the vacancy did not technically materialise and the incumbent remained in office and his contract was renewed for a period of one year with effect from 12 September 2017.

DISABLED DRIVERS - FREE PARKING FACILITIES

(No. B/49) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to drivers with disabilities, he will state if consideration will be given for the issue thereto of permits/badges for free parking on public roads.

Reply: I am informed that, to cater for the welfare of the disabled, due provision has been made in the Road Traffic (Paid Parking) Regulations 2002 for a vehicle displaying the appropriate sticker, issued by the Ministry of Social Security, National Solidarity, and

Environment and Sustainable Development, to be parked, free of charge, at a reserved parking bay, within a paid parking zone.

I am further informed that, two different types of parking coupons are issued by the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development, as follows -

Blue parking coupons are issued to persons/NGOs who satisfy the following eligibility criteria -

- (i) NGOs in the disability sector which own vehicles for the conveyance of disabled persons;
- (ii) disabled drivers who have benefitted from duty free facilities on adapted vehicles, and
- (iii) disabled drivers who drive their own cars but do not benefit from duty free facilities, subject to the recommendation of the Medical Board.

On the other hand, yellow parking coupons, are issued to persons with severe mobility problem who can use the coupon to travel in any vehicle. Since the coming into effect of the Regulations in 2002, around 450 persons with disabilities have benefitted from free parking facilities.

Today, parking coupons are granted for a period of two (2) years. The possibility to extend the renewal period to five (5) years will be considered depending upon the degree of impairment.

LES SALINES GARDEN - WATER ACCUMULATION

(No. B/50) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the Salines Garden, in Port Louis, she will state if consideration will be given for remedial measures to be taken to prevent water accumulation thereat during rainfalls.

Reply: I am informed by the Municipal City Council of Port Louis that Les Salines Garden is situated in a low lying area. As a result of this, there is water accumulation during heavy rainfall. The network of drains in the region is not operating satisfactorily in view of the fact that the area is nearly at sea level.

In view of the topography of the area and the complexity of the problem, the Council is envisaging the possibility of enlisting the services of a Consultant to carry out an in-depth study prior to taking a decision on the provision of appropriate drain facilities.

DRUGS (SYNTHETIC) - SEIZURE

(No. B/52) Mr A. Ganoo (First Member for Savanne & Black River) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to synthetic drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) number of suspects arrested in possession thereof since January 2015 to date, and
- (b) amount thereof seized by the Anti-Drug Smuggling Unit or Customs Officers, indicating the additional measures taken to –
 - (i) prevent/control the entry of the ingredients, chemical diversities and related substances thereof in the country, and
 - (ii) curb the abuse thereof.

Reply: I am informed by the Commissioner of Police that in regard to synthetic drugs since January 2015 to 22 March 2018, 1,407 suspected persons have been arrested for possession of such drugs.

As regards part (b) of the question, the quantity of synthetic drug seized for the period in question amounts to 14 Kg 137.5 g of an estimated value of Rs21.2 m.

Concerning part (b) (i) of the question, the following measures have been initiated to prevent/control the entry of the ingredients, chemical diversities and related substances –

- (a) increased profiling of passengers at points of entry, especially those coming from certain countries;
- (b) enhanced vigilance over cargo, postal packets and parcels reaching Port or Airport, especially those arriving by targeted routes and from certain countries;
- (c) closer collaboration amongst ADSU, Forensic Science Laboratory(FSL), Customs and the Ministry of Commerce/Ministry of Health and Quality of Life to ensure an intelligent processing/identification of suspicious substances imported through authorised means, such as cargo and parcel post;

- (d) greater collaboration between ADSU and Customs in the sharing of intelligence and information on new trends and movements of synthetic drugs likely to impact our country;
- (e) regular ADSU/FSL meetings with regard to analysis of synthetic drug seizures with a view to obtaining information/intelligence on the type of synthetic substance, possible linkages with other seizures and possibility of identifying the source of the drug and suspects associated with importation thereof, and
- (f) increased aerial and sea patrol in coastal areas with a view to counter drug trafficking and smuggling.

As for part b (ii) of the same question, the measures to curb down the abuse thereof include, among others –

- (a) field Intelligence Officers are operating with ADSU teams deployed in all divisions to gather information relating to drug and criminal activities, and undercover Police Officers are trying to infiltrate the drug network to know their mode of operating and any new strategy employed;
- (b) intensive surveillance is discreetly being maintained over those high profile drug targets and their movements are being closely monitored by the ADSU officers;
- (c) the Police are also focusing on more intelligence led and targeted operations, especially in hot spots/sensitive areas;
- (d) more aggressive crackdown operations are being carried out, with the deployment of maximum resources, particularly in areas where some inhabitants tend to resist and hamper police operations;
- (e) discreet watch/follow-up actions are maintained in areas of concern where crack down operations have recently been carried out with a view to ensure that these areas remain drug-free;
- (f) the ADSU has stepped up actions to identify, investigate, disrupt and dismantle Drug trafficking networks and neutralize those who facilitate such illegal activities;
- (g) the ADSU has made acquisition of equipment such as drones for the surveillance and evaluation of the topography of specific areas and also for location of areas where cannabis plants have been cultivated;
- (h) the ADSU is in the process of acquiring new analytical tool, that is, the i2 Note Book software, for the development of intelligence.

- (i) better collaboration between ADSU and other local agencies (MRA Customs, FIU, etc) in order to share intelligence/information;
- (j) capacity building through continuous professional development of ADSU officers both locally and overseas; and
- (k) ADSU personnel participate actively in prevention and awareness campaigns, in collaboration with the Ministry of Health and Quality of Life (Harm Reduction Unit) and the Ministry of Education.

TRAINEE POLICE CONSTABLES - APPOINTMENT

(No. B/54) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the two batches of Police Officers who were enlisted in the Mauritius Police Force on 02 April 2015 and 15 July 2016, respectively, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to when the said officers will be appointed on permanent and pensionable post.

Reply: I am informed by the Commissioner of Police that following their enlistment in the Mauritius Police Force, Trainee Police Constables have to undergo a two years' training. Following the successful completion of their training, Trainee Police Constables are appointed in a temporary capacity. After a further period of 12 months, they become eligible for appointment as Police Constables in a substantive capacity.

Concerning the batch of 681 Trainee Police Constables recruited on 02 April 2015, the position is as follows -

- (a) 527 Trainees have been offered appointment as Police Constables in a substantive capacity on 20 March 2018;
- (b) 99 Trainees have been appointed as Police Constables in a temporary capacity in view of their unsatisfactory records of absenteeism on the ground of illness or injury. They will be considered for appointment in a substantive capacity after being medically examined;
- (c) 9 Trainees have not been offered any appointment either because of their heavy records of absences or because of their interdiction from service, and
- (d) 46 Trainees have left the service.

As regards the batch of 580 Trainee Police Constables enlisted on 15 July 2016, the position is as follows -

- (a) 35 Trainees have left the service, and
- (b) the remaining 545 Trainees will be considered for appointment in a temporary capacity upon successful completion of their two years' training, i.e. as from 15 July 2018. Thereafter, they will be due for confirmation in their posts after a period of 12 months.

VICTORIA COLLEGE - CLOSURE

(No. B/55) 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 the Victoria College, in Rose Hill, she will state if, following the closure thereof the (a) parents of the redeployed students will be reimbursed for the additional costs of buying new books and (b) Manager and owner thereof will be compensated.

Reply: With regard to part (a) of the question, I am informed that the Board of the PSEA has, on 06 February 2018, approved that the responsible parties of students of Victoria College would be reimbursed any additional expenditure they might have to incur on transfer of their wards, particularly in so far as new uniforms, badges, books, PTA fees, NTA cards and other miscellaneous costs are concerned; and accordingly, needful is being done.

As far as part (b) of the question is concerned, compensation is normally payable to grant aided private secondary schools which have been subject to stoppage of grants due to their school population having fallen below the threshold figure. However I have been informed by the PSEA that the registration of Victoria College has been cancelled in accordance with sections 10 and 11 of the Education Act, on the grounds that the school premises are structurally unsuitable and constitute a danger to students and staff.

I further wish to inform the House that the Manager has, on 27 February 2018, lodged an appeal against the decision of the PSEA to cancel the registration of the College. An Appeals Tribunal has consequently been set up by the Ministry in accordance with section 25 of the Education Act.

LIGHTNING & THUNDERSTORM - DETECTORS

(No. B/56) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to lightning and thunderstorm, he will, for the benefit of the House, obtain from the Meteorological Services, information as to if consideration will be

given for the acquisition of a network of lightning detectors capable of enhanced efficiency in terms of extreme weather forecast.

Reply: The Mauritius Meteorological Services (MMS) currently do not have any lightning detector installed in Mauritius. Thunderstorms clouds are, therefore, identified only after they have developed.

It is to be noted that a Lightning Detector only gives the count of lightning, but cannot forecast thunderstorms occurrence or lightning strikes. However, once a thunderstorm has been detected within its range, the latter can be tracked and monitored.

Available information gathered from various sources indicates that the range of a lightning detector is around 30 kms. Therefore, considering the size of mainland Mauritius, three detectors will be adequate to fully cover the entire country, namely one in the South, one in the Centre and the third one in the region of Port Louis.

Following the frequent occurrence of thunderstorms activities during the months of January and February 2018, the Mauritius Meteorological Services is considering setting up a network of three professional Lightning Detectors in the three above-mentioned regions.

The Mauritius Meteorological Services is currently looking into the technical specifications for the procurement of such Detectors. These equipment are expected to be installed during the next Financial Year.

CHILD ABDUCTION - COMPLAINTS

(No. B/58) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to child abduction, she will, for the benefit of the House, obtain from the Child Development Unit (CDU), information as to the number of complaints therefor registered over the past ten years, indicating the number thereof relating to the child having been retained abroad and number of children whose return from abroad have been secured by the CDU.

Reply: In regard to child abduction, I am informed that 105 complaints have been registered over the past ten years, that is, as from 2008. 84 children have been wrongfully retained abroad. The number of children whose return from abroad has been secured by the CDU is 13.

LES SALINES, BAIN DES DAMES - TANK FARM - PETITION

(No. A/1) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Tank Farm in Bain des Dames, he will state if –

- (a) he is in presence of a petition lodged by some inhabitants of Bain des Dames regarding damages caused to their respective properties during the construction thereof, indicating if consideration will be given for the said inhabitants to be compensated therefor, and
- (b) Mega Design Ltd. has submitted its report in relation thereto, indicating if copy thereof will be tabled.

Reply: In my reply to PQ 1025 of 29 November 2016, I informed the House that the Central Electricity Board had received a petition dated 11 November 2016, which was addressed to the Prime Minister’s Office, the President of the Republic, several Ministers, MP’s and the Press.

The petition was signed by a group of about 40 persons residing in the vicinity of the newly constructed tank farm at Les Salines, Bain des Dames.

I am informed by the CEB that it appointed Mega Design to carry out an independent assessment of damages which could have resulted from the works at the tank farm. The CEB received the assessment report in September 2017.

The Board of CEB has decided to consider payment on a “without prejudice” basis. On 07 March 2018, CEB had a meeting with some representatives of the inhabitants.

As regards part (b) of the question, in view of the ongoing discussions and contractual implications involving third parties, the report cannot be tabled at this stage.