



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 10 APRIL 2018

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Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 03 of 2018

Sitting of Tuesday 10 April 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)

PAPERS LAID

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

A. Office of the President

The Annual Report 2017 of the National Human Rights Commission. (In Original)

B. Prime Minister's Office

- (a) Certificate of Urgency in respect of the following Bills (In Original):
 - (i) The Reform Institutions (Amendment) Bill (No. III of 2018) and;
 - (ii) The Code de Commerce (Amendment) Bill (No. IV of 2018)
- (b) Digest of Environment Statistics 2016.
- (c) The Value Added Tax (Amendment of Schedule) Regulations 2018. (Government Notice No. 33 of 2018)
- (d) The Public Procurement (Amendment) Regulations 2018. (Government Notice No. 34 of 2018)
- (e) The Double Taxation Avoidance Agreement (Republic of Cyprus) (Amendment) Regulations 2018. (Government Notice No. 35 of 2018)
- (f) The Double Taxation Avoidance Agreement (Barbados) (Amendment) Regulations 2018. (Government Notice No. 36 of 2018)

C. Ministry of Industry, Commerce and Consumer Protection

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 6) Regulations 2018. (Government Notice No. 37 of 2018)
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 7) Regulations 2018. (Government Notice No. 38 of 2018)

ORAL ANSWERS TO QUESTIONS**COMMONWEALTH GAMES, AUSTRALIA - ALLEGED SEXUAL
ASSAULT**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the hon. Minister of Youth and Sports whether, in regard to the XXI Commonwealth Games being held in Australia, he will state if –

- (a) any legal assistance has been provided to athlete Ms J.R. regarding the alleged case of aggravated sexual assault, indicating if consideration will be given for the carrying out of an independent inquiry into alleged attempts of cover-up in this case; and
- (b) he has been made aware of widespread complaints by our athletes regarding the preparation thereof and the organisation for participation thereto.

The Minister of Youth and Sports (Mr S. Toussaint): Madam Speaker, I would like to thank the hon. Leader of the Opposition for having asked this question as it provides me the opportunity to enlighten the House on a matter which has, unfortunately, tarnished the reputation of the country within the sports community and we have been the subject of international attention for the wrong reasons.

The Commonwealth Games, apart from the Olympic Games, is one of the most important events of the international sports calendar. It is held once every four years and a total of 71 countries and territories normally participate. This year's event is being held in Gold Coast, Australia from 05 to 18 April 2018.

Mauritius is represented by a sports delegation of 113 persons, including athletes and officials competing in the following sports disciplines -

1. Athletics;
2. Badminton;
3. Boxing;
4. Cycling;
5. Swimming;
6. Weightlifting;
7. Table tennis ;
8. Wrestling;

9. Squash, and
10. Triathlon.

I would like to draw the attention of the House that all administrative formalities, including accreditation, for the participation of the Mauritian delegation at the Games, rest with the Mauritius Olympic Committee and the Commonwealth Games Association (Mauritius) which are totally independent of the Ministry. The Head of Mission is designated by the Mauritius Olympic Committee. My Ministry provides financial and other support. Officials of my Ministry and myself attend the Games at the invitation of the Mauritius Olympic Committee.

Prior to the departure of any delegation for such types of events, we normally organise a “*rassemblement*” of all athletes and officials whereby they are fully briefed about the standard of behaviour expected of them. In the case of the delegation attending the Commonwealth Games, the “*rassemblement*” was held on Saturday 17 March 2018 at Domaine Anna, Flic en Flac.

Being given that our athletes train and/or participate in meetings in other countries, the delegation cannot reasonably be expected to depart from Mauritius as a single entity. Athletes and other officials, therefore, join the Games Village at different dates prior to the opening of the Games. The bulk of the delegation left Mauritius for Gold Coast on 24 March 2018. All arrangements at the Sir Seewoosagar Ramgoolam International Airport were made by my Ministry.

As regards part (a) of the question, I would like to inform the House, that prior to my departure from Mauritius on 31 March 2018, I was made aware by my Adviser on Information Matters that Mr V. G., President of the Mauritius Athletics Association, has informed him of an incident which occurred at the Games Village involving Mr K. T., the Head of Mission of the Mauritian delegation and Ms J. R. an athlete representing Mauritius in athletics.

It was alleged that on 29 March 2018, a ceremony was held in the Commonwealth Games Association (CGA) Mauritius’ Office in the Games Village in Gold Coast in which were present Ms J. R. and Mr K. T. The ceremony was held to distribute Commonwealth give-aways to Mauritian athletes. According to Ms J. R., Mr K. T. had an indecent behaviour towards her. On 31 March 2018, Ms J. R. made a verbal complaint to the President of the CGA (Mauritius), Mr P. H. T. V.

When I arrived at the Games Village on 01 April, I was informed of the incident and enquired why actions have not been taken. The President of CGA (Mauritius) informed that Ms J. R. had not yet reported the case to the Police and did not intend to do so. Ms J. R. had, in the meantime, made a request to meet with me to explain the incident to me in details. However, she also informed me that she did not want to go ahead with the incident and wanted to bring an end to it.

I assured her of my full support and re-comforted her. We also agreed that if there is a need to take the matter further when we would be back in Mauritius, then we would do so.

However, on 02 April 2018, this matter was given wide publicity in the local Press and on social media.

A meeting of the CGA (Mauritius) was convened on 03 April 2018 which I attended accompanied by my Deputy Permanent Secretary, Mr J. P. R. In the course of the meeting, it was agreed to call in Ms J. R. for her to confirm the alleged indecent behaviour. Ms J. R. confirmed that Mr K. T. had an indecent behaviour towards her on two occasions during the ceremony on 29 March 2018. She added that she was still contemplating whether she would go to the Police or not.

She informed us that she was contemplating independent legal advice. We were told then that she had retained the services of Mr R. M.

Since she had already retained the services of a Legal Adviser on her own, there was no need to provide with additional legal assistance.

In the meantime, I instructed my Permanent Secretary to contact my colleague, the Minister of Gender Equality, Child Development and Family Welfare to provide psychological support to Ms J. R. in any manner, be it online or through the services of a local Psychologist.

Madam Speaker, I consider that in such situations the provision of psychological support to the victim is of prime importance and overrides any other form of assistance.

Ms J. R. was, thereafter, contacted by a Psychologist of the Ministry of Gender and she responded, informing that she was very busy with her training and with the ongoing enquiry and that she would get back to the Psychologist once she is free.

I am informed that Ms J. R. has taken contact with the Psychologist and an appointment is scheduled for today at 15h 30. I wish also to point out that the said

Psychologist is one whose services have been retained by my Ministry to offer psychological support to athletes.

Upon my arrival in Mauritius, I had a meeting with the parents of Ms J. R. and we agreed that should the need arise for any one family member to proceed to Gold Coast to assist and support her, the Ministry would bear all associated costs.

In the light of the various developments and pending the completion of the enquiry, I have instructed that Mr K. T. be replaced on all committees of the Ministry where he was a member. The MOC will be officially requested to send a replacement.

Insofar as the setting up of an independent enquiry is concerned, Madam Speaker, I wish to inform the House that in the evening of 03 April 2018, Ms J. R. went to the Police to formally report the case of sexual assault against Mr K. T. All through the process Ms J. R. was assisted by our Honorary Consul in Gold Coast, Mr E. Q.

The Australian Police had already recorded the statements of all those who were present at the ceremony of 29 March 2018. The President of the CGA, Mr P.H.T.V., who was not present at the ceremony of 29 March 2018, was also invited by the Police to give a statement.

On 06 April 2018, Mr K. T. was called in by the Police and charged with a count of Indecent Assault. He was released on bail on the following conditions –

1. no contact direct or indirect with the complainant or other Police witnesses,
and
2. prohibited from entering or remaining in major event area associated with (Gold Coast) Commonwealth Games.

Mr K. T. is expected to appear in the Southport Magistrates Court on 17 April 2018.

Madam Speaker, in the light of my explanations above, the House can appreciate the seriousness with which this matter is being treated by the Australian Police. Setting up an Independent Inquiry into alleged attempts of cover-up, is tantamount to saying that the Australian Police Authorities may be involved in a cover-up exercise.

Insofar as part (b) of the question, except for the case of Ms J. R. and Mrs E. L. who complained about the quality and size of the competition shoes provided to her, I had never been made aware of any complaint or dissatisfaction from athletes in respect of the

organisation and preparation for the Games. Whatever request made by the Mauritius Olympic Committee was attended to promptly.

As regards the preparation of athletes for the Games, it is a matter for each Federation to provide the best facilities to those who have been selected. The Ministry has a budget and at the beginning of the Financial Year, the Federations normally submit an annual work plan in accordance with their calendar of activities, including international events.

I wish to point out that preparation of athletes to major sports events, like the Commonwealth Games, is an ongoing process. Most of the athletes participating in these Games are also under preparation for various international competitions, including the Indian Ocean Island Games. In this context, these athletes have benefited from the elite budget of their respective federations amounting to Rs20 m. up to now.

Thank you, Madam Speaker.

Mr X. L. Duval: Madam Speaker, in a statement that Jessika Rosun gave to the Queensland Police, she stated clearly, and I would quote this. This is the advice that Philippe Hao, the President of the Mauritius Olympic Committee, gave her –

“Once in Mauritius, we will do an internal investigation and if we have to take actions, we will.”

This is what she stated in the statement to the Queensland Police and the Minister, himself, has just stated that he met her on Monday, before she took legal advice, because that was on Tuesday, that he did not, at any time, offer legal advice to this poor girl stuck in Australia facing sexual harassment from one of her bosses there. Why, therefore - Madam Speaker, this is my question - did the Minister not think it proper to offer State legal advice to Ms Jessika Rosun?

Mr Toussaint: Madame la présidente, je crois avoir été très clair dans ma réponse que quand j’ai rencontré l’athlète, elle n’était pas encore dans un état pour aller de l’avant. Elle ne voulait pas aller de l’avant. Donc, je lui ai dit que je reste à ses services au cas où elle avait besoin de n’importe quelle aide. Et je l’ai dit dans ma réponse, le plus important à ce moment-là, c’est qu’elle puisse bénéficier d’une aide psychologique, et c’est ce que j’ai fait en appelant mon PS pour demander à ce que le ministère du Genre puisse assister notre athlète sur le point de vue psychologique.

Mr X. L. Duval: Madam Speaker, did the hon. Minister, at any time, inform Jessika Rosun that the Mauritian Police and the Mauritian Courts would have no jurisdiction in any case of sexual assault which occurred in Australia and if she did not go to the Police there, she would have no legal recourse here at least on the criminal side?

Mr Toussaint: Madame la présidente, je viens de le dire. Donc, ma première rencontre, c'est d'abord de l'écouter et de voir ce qu'elle voulait faire. Donc, la question ne se pose pas, parcequ'à la suite, elle avait décidé d'aller à la police et de faire un *statement*.

Mr X. L. Duval: Madam Speaker, I am just so astonished that the hon. Minister did not think the situation serious enough to advise one of the athletes, subjected to aggravated sexual assault, to go to the Police there because in Mauritius, she would have no recourse.

Mr Toussaint: Madame la présidente, je ne sais pas combien de fois j'aurai besoin de me répéter.

(Interruptions)

Madam Speaker: Order, please!

Mr Toussaint: Je le redis. A la première rencontre, l'athlète avait décidé de ne pas aller de l'avant. Je respecte son choix. Je ne peux pas l'influencer. Elle est majeure. Elle avait décidé qu'elle n'allait pas de l'avant. Du moment où elle avait décidé d'aller de l'avant, nous lui avons donné tout le support nécessaire pour qu'elle puisse faire sa déposition à la police australienne.

(Interruptions)

Mr X. L. Duval: Madam Speaker, this is very serious. By his actions, the hon. Minister *est partie prenante* of the pressure that was put by the Mauritius Olympic Committee on Jessika Rosun...

(Interruptions)

Madam Speaker: Order, please!

Mr X. L. Duval: ...and I will say this, Madam Speaker. Yesterday, on Top FM, Mr Vivian Gungaram, President of the Athletics Association, stated publicly that Mr Philippe Hao phoned him on Sunday morning, asking him to intervene and put pressure on the athlete so that she would not go to the Police. This is why, Madam Speaker, I am saying that, by his silence, *il est complice de ce cover-up*.

(Interruptions)

Madam Speaker: No, the hon. Leader of the Opposition cannot make allegations.

Mr Toussaint: Madame la présidente, je ne peux pas répondre pour Mr Philippe Hao Thyn Voon. J'ai fait ce qu'il fallait faire. J'ai fait le nécessaire, et nous avons donné toute notre aide et notre support à Jessika. Et elle le sait ! Elle sait qui sont les personnes qui ont été à côté d'elle, et elle pourra le dire en temps et lieu.

Mr X. L. Duval: Madame Speaker, concerning the inquiry by Queensland Police, I presume they are not like the Mauritian Police, they do a proper inquiry. But they are not inquiring on any cover-up. I am now asking about the cover-up, the phone call by Mr Philippe Hao to the President. It can easily be verified. It was said on radio yesterday. The pressure put on this girl by Mr Philippe Hao; the delay in moving Mr K. T. from the Village; the delay in suspending Mr Teeroovengadam - we took seven days to actually suspend him - and the advice to Mr K. T. by the President of the Mauritius Olympic Committee to return to Mauritius, all this, Madam Speaker, clearly points to a serious case of cover-up, and this is why I am asking for an independent inquiry, not on the allegation of sexual assault, but on the very serious case of cover-up in this matter.

Mr Toussaint: Madame la présidente, l'honorable Leader de l'opposition a cité le nom du président de la fédération d'athlétisme. Si le président de la fédération d'athlétisme désire aller de l'avant et faire une déposition pour dire qu'il perçoit, qu'il voit qu'il y a eu une tentative de *cover-up*, je pense que le président de la fédération d'athlétisme peut aller de l'avant et faire le nécessaire.

Mr X. L. Duval: Madame Speaker, if he wanted to take his job seriously, he would himself inquire...

Madam Speaker: Ask your question!

Mr X. L. Duval: ... and provide the support that he has supposedly offered to this poor girl. Madam Speaker, does the hon. Minister know that the Mauritius Olympic Committee misreported facts in their communiqué when they actually mentioned that Mr K. T. reported the matter to the Police as soon as he became aware whereas, in fact, he reported the matter to the Police there himself on Tuesday, but he became aware through that Committee - the famous Sunday committee - two days or three days earlier? Is he aware that there is a serious misleading statement in the communiqué of the Mauritius Olympic Committee?

Mr Toussaint: Je ne sais pas comment répondre pour le communiqué. Donc, si le président du Comité olympique a parlé d'un communiqué et a dit des choses qui ne sont pas vraies, ce n'est pas à moi de répondre encore une fois. Je le redis, nous avons fait tout le nécessaire. Le ministère a fait le nécessaire. Nous avons suivi toutes les étapes nécessaires jusqu'à ce que justement Jessika puisse faire sa déposition, jusqu'à ce que M. Kaysee ait sa caution, qu'il paie sa caution et qu'il puisse sortir et partir. Le communiqué, je laisse ça à la responsabilité de M. Hao Thyn Voon.

Mr X. L. Duval: Madam Speaker, our reputation overseas is at stake. Worldwide newspapers have condemned Mauritius for not taking disciplinary action against this person, Mr Teeroovengadam, soon enough and waiting seven days. Our reputation is at stake and *l'honorable ministre se lave les mains!* Madam Speaker, I am inviting the hon. Minister to have this full independent inquiry so that this type of incident can be dealt with more correctly and any disciplinary action taken against the Mauritius Olympic Committee can be taken. This is the point.

Mr Toussaint: Le Comité olympique - ça aussi je l'ai dit dans ma réponse - est une institution indépendante et autonome. Je n'ai absolument pas le droit de m'ingérer dans les affaires du Comité olympique ou les Fédérations au risque de voir Maurice être pénalisée par le Comité international olympique. Alors, cela est un fait. *Si pas coné, pas coné!*

Mr X. L. Duval: Madam Speaker, we will come to the Sports Act in a moment. We will come to the Sports Act in a moment, do not worry! My last question on this issue. Madam Speaker, there is report in the Press, in *5-Plus* a few days ago, that sexual harassment in sports *est pratique courante*. This has appeared in the Press. Is the hon. Minister concerned at all about this and is he going to set up some sort of mechanism so that anyone in the sports who has been subjected to sexual assault or sexual harassment can come up and formally complain?

Mr Toussaint: Bien sûr, Madame la présidente. Je fais tout mon possible pour que nos athlètes puissent s'entraîner dans les meilleures conditions, puissent aller dans les compétitions dans les meilleures conditions. Je l'ai dit à plusieurs reprises, je suis un ministre de proximité et ma porte reste toujours ouverte. Et les athlètes peuvent - quoi que le Leader de l'opposition puisse en penser ou dire - le dire à haute voix. Et s'il y a un athlète qui a subi n'importe quel préjudice, je dis bien n'importe quel préjudice, qu'il vienne me voir et je ferai le nécessaire. Je ferai absolument le nécessaire. Et de toutes les façons, en ce qu'il s'agit du

côté mécanisme, il y a l'*Ombusperson for Sports*. Les athlètes et toutes les personnes concernées dans le monde du sport peuvent aller faire une déposition légale par rapport à tel et tel problème. Mais moi, personnellement, je reste toujours à la disposition des athlètes pour les écouter et les aider dans n'importe quel cas de figure.

Mr X. L. Duval: Madam Speaker, we saw that he did absolutely nothing in the case of Jessika Rosun. I would like now to come to complaints made by athletes. I would like the hon. Minister to confirm that his Ministry took the decision not to give any *per diem* to our 50 or so athletes attending the Games and, therefore, they received zero cents from the Ministry via the Mauritius Olympic Committee. This would have cost about Rs500,000. Therefore, our athletes, usually poor families from Mauritius and Rodrigues, have gone to Australia with not a cent in their pockets to tend to their personal requirements.

Mr Toussaint: Madame la présidente, en ce qu'il s'agit du *per diem*, j'ai déjà répondu à une question parlementaire, où j'ai dit que nous regardons les demandes de *per diem* au cas par cas et dépendant de la nécessité, dépendant de ce que les fédérations nous diront. Nous étudions le cas par cas. Dans le cas actuel, les *Commonwealth Games* tombent totalement sous la responsabilité du Comité olympique mauricien. Le Comité olympique mauricien a envoyé une demande de support financier, quoi que l'organisation tombe totalement sous le Comité olympique. Ils ont fait une demande financière au ministère pour les aider *with* – rapidement je le dit –

- *banners and flags;*
- *specific equipment;*
- *50% of the general equipment;*
- *out-of-pocket allowance;*
- *insurance cover;*
- *uniforms, etc.*

Dépendant de notre budget, alors nous avons répondu au Comité olympique. *We have agreed, in principle, to provide the following for the Commonwealth Games: 50% of general equipment, specific equipment, insurance cover and uniform* pour le défilé. Et dans ce cas précis, cela revenait au Comité olympique de trouver une certaine somme pour le *out-of-pocket expenses*. Et, je dois dire que l'année dernière pour la participation de nos athlètes aux Jeux de la Francophonie en Côte d'Ivoire, nous avons donné une somme aux athlètes et éventuellement pour les jeunes qui vont aller participer à la CJSOI en avril. Donc, s'il y a

une demande des fédérations pour un *per diem*, on va prendre cela en considération. Mais dans ce cas précis, toute la responsabilité tombe sous le *Mauritius Olympic Committee*, qui doit aussi faire sa part.

(Interruptions)

Mr X. L. Duval: Madam Speaker, I would like to ask one question...

(Interruptions)

Madam Speaker: Please! Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan!

(Interruptions)

Please!

Mr X. L. Duval: ...whether, firstly, the Mauritian Olympic Committee asked for what they call out-of-pocket expenses, what we call *per diem*, and it was turned down. I would also like to formally ask the hon. Minister whether he waived his own *per diem*, or he pocketed his own *per diem* for going there and watching the games?

(Interruptions)

Madam Speaker: Ask your question! That is not the question!

(Interruptions)

Hon. Leader of the Opposition, you have got other questions?

Mr X. L. Duval: I asked him, Madam.

Madam Speaker: But he says he is not going to reply.

Mr X. L. Duval: So, I take it that he has pocketed nicely his *per diem* and he is too ashamed to tell us!

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Order, on this side of the House! Don't provoke!

Mr X. L. Duval: Madam Speaker, it is taken for granted by all athletes in Mauritius that sports in Mauritius is rotten, the management of sports is corrupted by mafia. There are fictitious sport clubs, and fictitious federations that are created just...

Madam Speaker: No! Hon. Leader of Opposition, please, do not make unfounded allegations because then you will have to substantiate.

(Interruptions)

Please! Don't and refrain from making allegations and come to your question!

Mr X. L. Duval: I take full responsibility for what I have said. I take full responsibility, Madam Speaker. This is the situation. Therefore, Madam Speaker, *le ministre ne veut pas se laver les mains*. The Sports Act clearly stipulates what is a Federation, how a federation works, what is a sports club, how a sports club is created and how a sports club is run.

Therefore, I would like to ask the hon. Minister, will he urgently review the Sports Act so as to have much more stringent conditions with regard to setting up these sports club *fantômes*? For instance, they only have to have seven members. Federations only need to have six clubs to become a federation. I am asking quite seriously the hon. Minister to amend urgently the Sports Act so that all these fictitious, *fantômes federations*, etc., which vote always for the mafia in the Mauritius Olympic Committee - to have this Sports Act amended quickly.

Mr Toussaint: Madame la présidente, à mon humble avis, je pense que cette question n'est pas reliée avec la question principale, mais toutefois je vais donner une petite explication comment les clubs sont formés. Les clubs doivent s'enregistrer au *Registrar of Association* et c'est à partir de là qu'ils demandent à être sous leur fédération et à partir de là qu'ils rentrent dans tout le système. Si l'honorable *Leader* de l'opposition a n'importe quelle preuve, n'importe quel document qui montre qu'il y a un *fictitious club* qui existe, s'il me le fait parvenir je prendrai les actions nécessaires.

Madam Speaker: Last question!

Mr X. L. Duval: Last question?

Madam Speaker: You have got your last question.

Mr X. L. Duval: Okay, last question. Madam Speaker, my last question which I am going to the Minister concerns the Sports Act, because I am running out of time. I think it is

Section 14 of the Sports Act. I would like to know whether he will amend Section 14 of the Sports Act to include an obligation on the Mauritius Olympic Committee to fight sexual harassment and sexual assault - it is already legal obligations for violence etc - whether he will now take urgent action, firstly, to do what I just said before, and also to change that in respect of sexual harassment and sexual assault.

Mr Toussaint: De toutes les façons, je ne crois pas que je peux répondre. Cela demande, bien sûr, toute une étude par rapport à amender une loi.

Je dois dire, Madame la présidente, qu'en mon âme et conscience, et avec l'aide de tout un chacun, avec l'assistance du Premier ministre, nous avons fait tout ce dont il fallait faire pour Jessika. Et je le répète, les athlètes peuvent en témoigner ; ils peuvent venir le dire. Ils peuvent venir dire qui les soutient, qui sont à leur côté, qui vont les rencontrer à leurs entraînements, qui vont les voir durant les compétitions et qui est dans la salle en train de crier pour que Roilya puisse avoir sa médaille d'argent.

(Interruptions)

Ils le savent, Madame la présidente ! Et ils le savent très, très bien ! Je trouve cela navrant, Madame la présidente, que sur un cas aussi sensible que cela, certaines personnes veulent faire de la récupération politique.

Le Premier ministre, moi-même et toute notre équipe, nous donnons tout notre soutien à notre athlète, à notre championne, à Jessika.

Merci, Madame la présidente.

Madam Speaker: Time is over!

Hon. Members, the Table has been advised that PQ B/130 in regard to the National Adoption Council will be replied by the hon. Minister of Gender Equality, Child Development and Family Welfare.

PQ B/131 in regard to the Insolvency Act and the Sale of Immovable Property Act will be replied by the hon. Attorney General, Minister of Justice, Human Rights and Institutional Reforms.

PQ B/184 and PQ B/187 in regard to the Independent Police Complaints Commission will be replied by the hon. Prime Minister, time permitting.

Hon. Ameer Meea!

**DECLARATION OF ASSETS BILL - MINISTERIAL COMMITTEE -
REPORT**

(No. B/124) 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 proposed introduction of the new Declaration of Assets Bill, he will state where matters stand, indicating if the Report of the Ministerial Committee set up to examine the different aspects of the proposed new regime for the declaration of assets has been approved by Cabinet and, if so, if drafting instructions have been conveyed to the Attorney General's Office.

The Prime Minister: Madam Speaker, as I stated in my reply to Parliamentary Question B/899 on 05 December 2017, the Ministerial Committee on the Declaration of Assets has already completed its assignment and submitted its report.

The proposals made by the Committee on the different aspects of the new Declaration of Assets Bill are currently being examined at the level of my Office.

The proposals of the Ministerial Committee will be submitted to Cabinet for consideration and once Cabinet approval is obtained, drafting instructions will be conveyed to the Attorney General's Office accordingly.

Madam Speaker, let me again reassure the House that the Government will fulfil its commitment and introduce the Bill into the National Assembly as soon as it is ready.

Madam Speaker: Yes, hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, just to remind the House that this was described as *les douze priorités des trois premiers mois du gouvernement de* the then so-called l'Alliance Lepep.

Can the hon. Prime Minister give us a precise timetable as to when this Bill will come to the House because it has been canvassed so many times here since 2015? Now, we just heard that the report is ready. But can the hon. Prime Minister give a precise time frame as to when the Bill will be circulated?

The Prime Minister: Madam Speaker, this remains a priority for Government. It is being looked at, at my level and as soon as we are ready, it will obviously go back to Cabinet,

and once Cabinet has agreed, the process will then be decided as to how we are going to proceed so that, ultimately, it comes as a Bill before this House.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: There are several aspects of this new Declaration of Asset Act that have already been canvassed in the House. I won't go into the details. Can I ask the hon. Prime Minister whether he will give a commitment, a guarantee to the House, that the new Declaration will be made public because it serves no purpose to make a Declaration and then keep it in a drawer in ICAC?

The Prime Minister: Well, let me remind the hon. Member that previously declarations of assets were being sent to the Speaker and that there was an amendment that was brought by the former Government then and that, at the time of the amendment, I have tried to see whether there were any comments that were made at that very particular moment, and I did not find any comment. Thereafter, obviously, representations have been made by different Members, including the hon. Member himself, to see to it that they should be made public. But this aspect also is being looked at by this Government and, obviously, we will decide ultimately whether there should be a complete disclosure, whether there should be partial disclosure, whether there should be no disclosure at all. We will see.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: The hon. Prime Minister just reminded the House that the Act has been amended, if I am not wrong, repealed, in 2011 - if I get the year right - and therefore, it was not obligatory to declare it public. Therefore, can I ask the hon. Prime Minister if he will see to it that the amendment that has been made in 2011, if he can reverse it, and give the Speaker the power to make it as it was before?

The Prime Minister: I have just replied that we will look into it because I will, obviously, seek the opinion of Members of the Government. I am, right now, consulting some people with regard not only to that issue, but there are also other issues that need to be addressed and, ultimately, obviously, when it will come before this House, hon. Members will have the opportunity to voice out their opinion.

Madam Speaker: Hon. Adrien Duval! No? Hon. Bhagwan!

Mr Bhagwan: Thank you, Madam Speaker. Can we know from the hon. Prime Minister whether in the report which has been submitted to him, provision has been made for

not only Members of Parliament or the Speaker, but consideration has also been given for Board Members of parastatal bodies, Chairpersons, Advisors to Ministers - we have seen in recent past, cases which have been made public where some Chairpersons or members of Boards have enriched themselves. Can the hon. Prime Minister give the assurance to the House that this also, which has been canvassed in the House, has been taken into consideration?

The Prime Minister: Well, I must say, as it is today, it does not cover all these categories of people that have been mentioned by the hon. Member. In fact, it does not even cover the higher public officials also. So, these will be taken into consideration and, eventually, we will take a decision on that.

Madam Speaker: Next question, hon. Ameer Meea!

(Interruptions)

No, next question!

Mr Ameer Meea: Did you say next question or a last one?

Madam Speaker: Next question!

Mr Ameer Meea: Next question, I did not hear you!

FREEDOM OF INFORMATION – DRAFT BILL

(No. B/125) 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 proposed introduction of the Freedom of Information Bill, he will state where matters stand as to the consultations being carried out in relation thereto.

The Prime Minister: Madam Speaker, in reply to Parliamentary Question B/723 on 14 November 2017, I informed the House that in-house consultations on the first working draft of the Freedom of Information Bill submitted by the Attorney General's Office were ongoing.

I also pointed out that the passing of any Freedom of Information legislation requires extensive research, advocacy and public discussions. Indeed, such a highly sensitive piece of

legislation has numerous administrative, financial, legal and institutional implications which should be examined and scrutinised in depth.

I also highlighted that it is important to look closely at the experience of other countries that have already adopted such a piece of legislation and to clearly understand what has not worked well and why the desired results have not been achieved.

For these reasons, the process of in-house consultations has proved to be lengthy.

I wish to reiterate that, once this exercise is completed, relevant stakeholders concerned would also be consulted.

Madam Speaker, it is relevant to recall that the proposed enactment of the Freedom of Information legislation has been the subject of Parliamentary Questions for the last 20 years.

In the Government Programme 2005-2010, the then Government had undertaken to provide citizens with a right of access to personal information held by State agencies and to information relating to Government business by enacting a Freedom of Information Act.

During the period 2005-2010, in reply to several Parliamentary Questions on the subject matter, the then Attorney General had informed the House of the complex and fundamental issues and far-reaching implications of such a piece of legislation, ranging from constitutional and public interest issues, impact on the working procedures of the public service, preservation of sensitive commercial information, cost implications, amongst others.

The then Attorney General had also informed the House of the substantial problems being faced by countries which had already adopted the Freedom of Information legislation.

It was precisely for these reasons, Madam Speaker, that the then Prime Minister had, in his reply to Parliamentary Question B/154 on 12 April 2011, conceded in this very House that no mention had been made of the enactment of the proposed Freedom of Information legislation in the then Government Programme.

Madam Speaker, I wish to assure the House that all implications of this piece of legislation are being...

(Interruptions)

Madam Speaker: I suspend the sitting for a few minutes. There is one hon. Member who is sick.

At 12.16 p.m., the sitting was suspended.

On resuming at 12.22 p.m. with Madam Speaker in the Chair.

The Prime Minister: Madam Speaker, I was saying that I wish to assure the House that all implications of this piece of legislation are being carefully studied as we have to strike a right balance between the delivery of effective and efficient Government and the right to know. Let me also add that, since the in-house consultations are ongoing, it would be premature, at this stage, for me to give any indication as to the time frame for the introduction of the draft legislation in the House.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Madam Speaker. Answering PQ B/1020 back in 2016, the then Prime Minister stated to the House -

“I now wish to inform the House that the Attorney General’s Office has already submitted a first working draft of the Freedom of Information Bill, and this is being looked into at the level of my Office.”

So, I suppose since 2016 to now, much progress has been made. Therefore, can I ask the hon. Prime Minister if he can, at least, circulate a copy of the draft Bill so that all the stakeholders can take into account what is in it and react accordingly?

The Prime Minister: The draft Bill, Madam Speaker, is for consumption at the level of Government. It is not for circulation. Much progress has been made. We need to have more progress on that. Once we have come to a conclusion, then, of course, it will be circulated.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. Can the hon. Prime Minister say whether Government is considering, as in the UK, to add State-owned companies, for example, like the Mauritius Telecom, companies where the State has shares? Because it is the practice in Parliament that Government refuses to answer to questions such as salary and...

Madam Speaker: Hon. Adrien Duval, we have understood your question!

Mr A. Duval: ...benefits and all this when it comes to certain State-owned companies; whether this will be included or not in the Freedom of Information Bill, as in the UK.

The Prime Minister: Well, with regard to State-owned companies, you know what has been the policy, not only of this Government, but of previous Governments also. But that will be taken into account obviously.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: In view of the fact that the hon. Prime Minister has admitted that a draft Bill has already been prepared and sent to his Office by the Attorney General's Office, can I ask him whether, in view of the sensitive nature of this Bill, the ramifications pertinent to this Bill, he would not deem it wiser to set up a Ministerial Committee to look at this draft Bill or to circulate it to Members of the House so that we can reach a consensus on this Bill before it is introduced in the House?

The Prime Minister: Well, as I have said, Madam Speaker, we are looking at this piece of proposed legislation and once we are ready, obviously, we will come to this House.

Madam Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: Madam Speaker, it is publicly known that this Government will not last long. So, an opacity...

(Interruptions)

I am here since 35 years! The hon. Member will not be here next time! Let me tell him!

(Interruptions)

Madam Speaker: No crosstalking, please!

(Interruptions)

Hon. Rutnah, please sit down!

(Interruptions)

Please, sit down!

(Interruptions)

Hon. Rutnah! Please sit down when I stand!

(Interruptions)

Hon. Rutnah, I have asked you not to make provocations, please!

Mr Rutnah: I did not...

Madam Speaker: Do not argue with me!

(Interruptions)

Hon. Rutnah, please do not argue with me!

Yes, hon. Bhagwan! Hon. Bhagwan, do not make comments! Ask your question!

Mr Bhagwan: I will start again, Madam Speaker. Since there is not much for this Government to last, months or weeks, and we have seen, Madam Speaker, that opacity; I take only one example...

(Interruptions)

Madam Speaker: Ask your question!

(Interruptions)

Hon. Jhugroo!

Mr Bhagwan: *Al kasiet derrière television ta!*

Madam Speaker: Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Order please!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo, I have called you six times! Hon. Jhugroo, can I have your attention? I have called you six times and you seem not to see me at all. You seem to ignore that I was calling you. I am giving you a warning. Next time, I will act! Please!

Mr Bhagwan: Since opacity is the order of the day of this Government, I am giving one example, the Metro Express Project. I will not go into other contracts where we, Members of Parliament, we do not have access - from what we see. Can the hon. Prime Minister inform the House that, before the end of his mandate, the country will have the opportunity to have this Freedom of Information Bill, in the public interest?

The Prime Minister: The hon. Member has remarked that we do not know how long we will stay in Government. But we are in Government. But we do not know how long they are lasting in the Opposition!

(Interruptions)

Madam Speaker: Order! Order!

(Interruptions)

Order! No comments from a sitting position, I said! Yes, please! Hon. Rutnah!

(Interruptions)

Hon. Rutnah, do not argue with me!

(Interruptions)

I have given you two warnings and that is enough!

The Prime Minister: Let me also remind the hon. Member that, at the time we were together in the same Government, 2000-2005, we also made mention of a Public Information Bill. Five years it took us! We never came forward with such a Bill. Why? Because, as I have said in my answer, it is a complex issue, Madam Speaker. Therefore, we are looking at a number of things, including the experience that has been drawn from other countries which have adopted such a piece of legislation. And I must say, in some countries, although they have a Freedom of Information Act, I would say, it is worthless because there is no access to information. So, we need to draw lessons from what obtains elsewhere and see what can be adapted also to our local context.

Madam Speaker: Next question, hon. Uteem!

QATAR - AIR TRAFFIC RIGHTS - APPLICATION

(No. B/126) Mr R. Uteem (First 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 air access rights, he will state if Government has received any request from Qatar and/or Qatar Airways to operate scheduled flights and/or charter flights to and from Mauritius and, if so, indicate the outcome thereof.

The Prime Minister: Madam Speaker, on several occasions in the past, the Government of Qatar has expressed interest for air services negotiations with a view to concluding a Bilateral Air Services Agreement with Mauritius in order to enable Qatar Airways to operate scheduled flights to Mauritius. The latest request from the Qatar authorities was made on 10 January 2018.

The requests of the Qatar authorities have, so far, been kept in abeyance in view of the fact that -

- (i) official statistics indicate that the traffic flow between Mauritius and Qatar remains very low, with average tourist arrivals from Qatar hovering around 160 yearly over the last five years;
- (ii) the Gulf region is already being adequately served by Emirates Airline, which operates double daily A380 flights on the Mauritius-Dubai route;
- (iii) there is ample seat capacity between the Gulf region and Mauritius to support substantial growth in Gulf tourist arrivals, and
- (iv) notwithstanding the huge capacity deployed by Emirates airlines, nearly 831,000 seats in 2017, tourist arrivals from the Middle East region has remained relatively low at only 11,866 for the year 2017.

Madam Speaker, I am also informed that Qatar Airways, the State-owned flag carrier of Qatar, is a sixth freedom carrier and it operates a hub with a network linking over 150 international destinations across the world with a passenger fleet of more than 170 aircraft. Qatar Airways, as a sixth freedom carrier, relies predominantly on the carriage of connecting traffic via its Doha hub, resulting in diversion of traffic from other carriers operating direct flights.

Madam Speaker, in regard to charter flights, I am informed by the Director of Civil Aviation that during the period 22 February 2017 to 12 March 2018, his Department has received nine requests from Qatar Airways for the operations of cargo charter flights for the transportation of horses. I am further informed that the nine requests were favourably entertained by the Department of Civil Aviation.

As announced in the Government Programme 2015-2019, our air access policy is being reviewed to transform Mauritius into a regional aviation and tourism hub. Towards this end, landing rights have been granted to airlines bringing traffic from new and emerging markets, namely, Turkish Airlines and Saudi Arabia Airlines.

Madam Speaker, I wish also to point out that application for air traffic rights made by other countries are periodically examined by a Ministerial Committee under my chairmanship, which last met on 04 April 2018. As regards the request of Qatar for scheduled air traffic rights, the Committee considered that the application should not be granted at this stage.

Madam Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: Madam Speaker, I just have two questions for the hon. Prime Minister. Firstly,...

Madam Speaker: One by one!

Mr X. L. Duval: Yes, of course. I would like to ask the hon. Prime Minister whether he is aware that the cost per mile between Mauritius and Dubai is extremely high, one of the highest in the world, and that Emirates use its monopoly of the situation to overcharge people coming to and leaving Mauritius. Can I ask whether in that context a competitor would not be appropriate to reduce the cost of the flight from Mauritius to Dubai, and it is easily verifiable how expensive it is?

The Prime Minister: Well, it is not as simple as what the hon. Leader of the Opposition is saying. Obviously, when the Committee had met on the last occasion – and not only on the last occasion because this dates back to quite some time – we have people who are knowledgeable in the field. We also rely on technical expertise to advise us and, therefore, the decision of the last Committee was to keep that application in abeyance and not to proceed with that application.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Prime Minister, himself, stated that Qatar is a hub and attracts a lot of traffic, not from Middle East, but also from Russia, from Eastern European countries and Western as well. So, may I ask the hon. Prime Minister whether this Committee that he referred to, when they considered the application from Qatar

Airways, did they have any in-depth report carried out to find out how Qatar Airways will be helping or be detrimental to Mauritius if they were granted the right of access to Mauritius?

The Prime Minister: Well, obviously, Madam Speaker, we have gathered all the information and, in the light of the information that we have, we have decided not to proceed with that application.

Madam Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: Madam Speaker, can I ask the hon. Prime Minister a related question? There was, some time ago, a lot of confusion about whether we have broken off diplomatic relations with Qatar. May I ask the hon. Prime Minister whether all this has now been cleared? Did the Qatar authorities inform accordingly and whether we are now back on very friendly terms with that country?

The Prime Minister: Madam Speaker, we have never broken diplomatic relations with Qatar.

(Interruptions)

Well, if there was any confusion, let me reassure all hon. Members that we have had very good and friendly relations with Qatar and we still maintain those friendly diplomatic relations with Qatar.

Mr Uteem: May I ask the hon. Prime Minister if his Committee has considered the possibility of having code-sharing between Air Mauritius and Qatar Airways, taking into consideration this fear about the traffic that may be competing with Emirates? Because if Air Mauritius does a code-share with Qatar Airways, then it should not be caring about what happens to Emirates.

The Prime Minister: Madam Speaker, we have considered that also and I do not want to dwell any further on this issue.

Madam Speaker: Next question, hon. Hurreeram!

NON-GOVERNMENTAL ORGANISATIONS - PUBLIC COLLECTION

(No. B/127) **Mr M. Hurreeram (First 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 fund raising activities, such as flag days, carried out by Non-Governmental

Organisations and other Civil Society Organisations, he will state the mechanism in place to ensure that all monies collected by the said organisations are properly recorded and accounted for.

The Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that every promoter intending to make a public collection shall, in accordance with Section 3 of the Public Collections Act 1965, make an application in writing for a permit to the Commissioner of Police not less than 15 days before the date on which the collection is intended to start or to be made.

The Commissioner of Police may issue a permit or may refuse a permit or, where a permit has been granted, he may revoke same if he has reasonable grounds to believe that any of the circumstances set out in Section 3(5) of the Public Collections Act applies.

Madam Speaker, as regards the existing mechanism in place to ensure that all monies collected are properly recorded and accounted for, according to Section 6(1) of the Public Collections Act, every promoter is required to forward to the Commissioner of Police within one month of the completion of a collection, a detailed statement showing –

- (a) the amount of money collected;
- (b) the expenses incurred for the collection and the manner in which the proceeds have been or will be disposed of.

Furthermore, Section 6(2) of the Act also provides for the Commissioner of Police to request a promoter to produce any document relating to the collection.

Mr Hurreeram: Madam Speaker, will the hon. Prime Minister inform the House if there are regulations or mechanisms that limit to a set percentage, the administrative overheads of NGOs such as salary, staff, office accommodation, if not, will he consider the introduction of such measures to ensure that funds collected and received by NGOs are used for the purpose intended?

The Prime Minister: Well, there is no definite rule, there are no definite criteria that have been laid down, but I saw it - I believe it must be Section 5 - somewhere in the law, I can recall, that if the Commissioner of Police is not satisfied with the proposed collection in terms of how much will be spent for the administrative expenses of the organisation, then it can be turned down. So, this is in the law.

Madam Speaker: Hon. Hurreeram!

Mr Hurreeram: Thank you, Madam Speaker. Can the hon. Prime Minister inform the House, where matters stand regarding the exercise undertaken in 2015 by MACOSS in conjunction with the Police Force and the State Law Office in drafting rules and regulations as well as norms and standards regarding Flag Day holders?

Madam Speaker: No, but this question is a specific question, hon. Hurreeram. I am sorry, I won't be able to allow this question. Yes, hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. In relation to compliance with Section 6 of the Act, which the hon. Prime Minister referred to, can I ask the hon. Prime Minister, given that we have got like thousands of NGOs in the country, to obtain information from the Commissioner of Police as to how many NGOs have, as at today's date, complied with Section 6 of the Act?

The Prime Minister: Well, I would not know. In fact, I have tried to find out about the process in which, for example, the NGOs, not only make their applications, but, more importantly, how they can account for monies that have been spent and for money that would be spent for the objectives for which they have sent their applications.

I must say I have been given some information, some examples where I have seen that they have given information to that effect, but there are so many NGOs. If there is any particular case which the hon. Member will refer to me, I can enquire into it from the Commissioner of Police, because, as the hon. Member says, there are so many NGOs that make public collections.

Madam Speaker: Time is over! Hon. Members, the Table has been advised that PQ No. B/143, in regard to the conduct of a hydrologic survey in Petite Rivière Noire Village will be replied by hon. Minister of Public Infrastructure and Land Transport. PQ No. B/155, in regard to salaries in the public and private sectors, will be replied by the hon. Minister of Labour, Industrial Relations, Employment and Training, PQ No. B/160, in regard to Acquisitive Prescription will be replied by the hon. Attorney General, Minister of Justice, Human Rights and Institutional Reforms. PQ Nos. B/163 and B/178 will be replied by the hon. Attorney General. PQ Nos. B/141, B/142, B/168, B/183, B/185 and B/188 have been withdrawn.

Hon. Ameer Meea!

CENTRAL ELECTRICITY BOARD - GENERAL MANAGER - LEAVE

(No. B/134) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the General Manager of the Central Electricity Board, he will, for the benefit of the House, obtain from the CEB, information as to if he has resumed duty and if not, why not.

The Deputy Prime Minister: Madam Speaker, Mr Gérard Hébrard, General Manager of CEB, has not yet resumed duty. He is still on medical treatment overseas.

Madam Speaker: Yes, next question hon. Ameer Meea!

MEDICAL AND HEALTH OFFICERS/SENIOR MEDICAL AND HEALTH OFFICERS - RECRUITMENT

(No. B/135) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the post of Medical and Health Officers/Senior Medical and Health Officers, he will state –

- (a) the names of the recruits in 2017 on –
 - (i) permanent establishment, indicating in each case, the date of joining of service, posting and if confirmed in a substantive capacity and, if not, why not and proposed date of confirmation, and
 - (ii) contract, indicating in each case, the date of employment and posting thereof;
- (b) if they are eligible to overtime allowances, and
- (c) the forecasted number thereof to be recruited in the coming years.

Dr. Husnoo: Madam Speaker, with your kind permission, I am tabling the information requested.

As regards the substantive appointment, I am informed that the 382 Medical and Health Officers/Senior Medical and Health Officers were appointed on a temporary basis. Upon completion of the temporary period, they will be appointed on a 12 months' probation.

Recommendation has already been made to the Public Service Commission for appointment of all the doctors recruited in June 2017.

As regards paragraph (ii), there are no doctors employed on a contract basis. However, in the year 2015, 88 Medical and Health Officers/Senior Medical and Health Officers were on study leave without pay.

With a view to palliate the shortage of MHO/Senior MHOs, delegation of power was obtained from the PSC for the employment of 60 doctors to give assistance at MHO/Senior MHO level.

Consequently, on 12 October 2015, 60 Medical and Health Officers/Senior Medical and Health Officers were employed by the Ministry. As at to date, out of the 60 doctors, only 11 doctors are employed on a month-to-month basis at the level of MHO/Senior MHO.

As regards paragraph (b), Medical and Health Officers/Senior Medical and Health Officers are eligible for overtime allowance in accordance with the PRB Report 2016, for working beyond 40 hours of work at approved rate.

As regards paragraph (c), as the Budget Estimate is still under process, a clear indication of the number of additional posts cannot be given as the next Estimate has to be adopted at Parliament level.

Thank you.

Madam Speaker: Next question, hon. Osman Mahomed!

RENEWABLE ENERGY – MID STRATEGY

(No. B/136) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Maurice Ile Durable Policy, Strategy and Action Plan of May 2013, he will state where matters stand in respect of the projects and initiatives listed in the specific part on Actions for Energy, as per paragraph 6.3.3 (table 16) thereof.

The Deputy Prime Minister: Madam Speaker, with your permission, I shall reply to PQ B/136 and B/137 together to avoid repeating the same information.

I must start by thanking the hon. third Member for Port Louis South & Port Louis Central for these questions. When I took the responsibility for that Ministry, I took note that during the period 2005 to 2014, only one renewable energy project, namely the Solar PV Farm of Sarako had been implemented.

No other solar project or wind farm had even reached an implementable stage. Three solar projects of 2 MW each were to be set up at Mont Choisy, Petite Retraite and L'Esperance had been initiated in 2012 and the two of the wind projects, but they were still in stagnation. On the other hand, despite MID strategy and the recommendations of the National Energy Commission for the emergence of the green economy, the increased use of coal was being promoted.

Indeed, the Opposition itself has been advocating and/or promoting the use of coal. This has been expressed in statements made publicly.

Our Government had no difficulty in avowing the increase in renewable energy in our energy mix. In its Government Programme 2015-2019, the Government took the commitment to adopt a responsible and environmentally sustainable policy regarding energy production. We have stood staunchly guided by this commitment, and in this endeavour, we will remain and still remain guided by the principles set out in the MID strategy and the National Energy Commission.

In order to apply Government Programme, we had, first of all, to work out a transition between a culture based on production of electricity from fossil fuels, HFO and coal principally. The shift in this paradigm occurred faster than I thought. I was greatly helped by the dissemination of interesting literature on the subject by the increased interest of NGOs, the stark realisation by countries such as France, India and China that renewable energy was the energy of the future. The increasing influence of IRENA based in Abu Dhabi, the setting up of MARENA in Mauritius, the foundation of the International Solar Alliance of which France, India and Mauritius are founding members, all this created the necessary ambience for kick-starting this essential area of energy production. Under this Government and within a period of three years, more than 12 projects have been initiated in addition to building up of institutional capacity. By end of 2018, an additional 94 MW will be available from solar PV, including SDGs and MSDGs.

With all the ongoing projects of PV, wind and biomass, by 2020, we expect renewable energy to contribute to about 28% in the electricity mix. Solar energy will constitute 11% of the total renewable energy. I shall mention the major projects implemented since 2015 which, by far, exceed the target set in the MID strategy -

1. Three solar farms of 2 MW each have become operational in 2016-2017 at Mont Choisy, Petite Retraite and L'Esperance.
2. CEB invited request for proposals in 2015 for projects of 1 to 9 MW and approved three projects for a total capacity of 22.5 MW at Beau Champ, Pteite Rivière and Petite Retraite, which will become operational in 2018-2019.
3. Following another request for proposal for solar PV projects of 10 to 15 MW, CEB has approved three projects of a total of 40.84 MW at Queen Victoria, Solitude and Henrietta. These projects will become operational in 2018-2019.

4. CEB Green Energy Ltd, a subsidiary of the Central Electricity Board, is constructing a 2-Megawatt solar farm at Henrietta. The project will be completed in 2018 and will be expanded to 10 MW.
5. The wind farm at Plaine des Roches of 9.35 MW capacity became operational in 2016 and the one at Plaine Sophie of 29.4 MW is expected to be completed by the end of this year.
6. CEB launched a New Small Scale Distributed Generation for a total capacity of 5 MW and extended by 2 additional MW. 1,559 letters of intent have been issued and 760 installations have been completed for about 2.5 MW. Out of these, 23 are educational institutions.
7. I amended the Electricity Act to facilitate applications from SSDGs.
8. CEB launched a Net-Metering Medium Scale Distributed Energy Scheme, which was launched in May 2016. 1.6 Megawatts have been commissioned and 3 MW will be commissioned by the end of this year.
9. The Home Solar Project was launched in 2017 for the installation of 10,000 rooftop solar panels on the houses of households in the social tariff category. Installations of the PV panels have already started. At the IRENA Assembly, at which the hon. member was present, CEB was selected by the Abu Dhabi Fund for Development for financing of this project, which was seen as having the potential to significantly transform the lives of people and alleviate poverty by bringing affordable energy to low-income communities.
10. A Green Energy Scheme has been launched for SMEs for the installation of 2,000 solar PVs of 4 MW. This was launched yesterday. And just in one day, CEB has registered more than 1,100 applications.
11. Bids have been invited for waste to energy projects for the processing of 1,000 tons of waste. The closing date is 08 June 2018.
12. A feasibility study has been carried out on a project to increase the capacity of Sans Souci hydropower plant by 3 GWh. Project is now under implementation stage.
13. The CEB Magenta Hydropower Station is currently being renewed with 1 MW turbine, which will enhance its life for another 30 years.

14. Negotiations are ongoing with Alteo for a new plant of 2 x 35 MW, using higher efficiency equipment to increase bagasse-based energy and generate electricity from cane trash. This project will reduce the ratio of coal to bagasse energy from 3:1 to 1:1.
15. CEB has awarded contracts for the two battery storage of 2 MW, 0.5 Mwh each, at the Henrietta and Amaury substations respectively for a total investment of ...

Madam Speaker: Hon. Deputy Prime Minister, have you nearly finished? Because as you have merged two questions together, I have given you already 10 minutes to reply to the two questions. I would suggest that you table the additional information that you have so that we allow the hon. Member to ask his questions, please.

The Deputy Prime Minister: As you wish. I have got 30 seconds.

Madam Speaker: Last sentence!

The Deputy Prime Minister: No! 30 seconds.

Madam Speaker: 30 seconds! Well, if you restrict yourself to 30 seconds, I can give you. I have already given you 10 minutes.

The Deputy Prime Minister:

16. The Green Climate Fund has allocated a grant of 28 m. USD to Mauritius to finance strengthening of the grid. Institutional capacity has been reinforced with the setting up of the Mauritius Renewable Energy Agency. With the support of the Prime Minister, the Utility Regulatory Authority, which had remained in hibernation since 2005, has been appointed.

Since, and I conclude now, the hon. Member has referred to MID, which also mentions energy and efficiency, I wish to inform the House that the Energy Efficiency Management Office is conducting audits in Government buildings. This year, 20 buildings will be audited. 46 energy auditors have been certified. Regulations for mandatory labelling of domestic appliances have already been introduced.

Mr Osman Mahomed: Madam Speaker, when the hon. Deputy Prime Minister became Minister, I remembered he said in Parliament that there was a lack of energy at the Ministry of Energy before.

(Interruptions)

Targeting his predecessor! Now, the MID action plan is in front of me. I am going to talk about the 29.4 MW wind farm at Plaine des Roches, the energy purchase supply agreement of which was signed on 03 August...

The Deputy Prime Minister: 29 MW at Plaine des Roches?

Mr Osman Mahomed: At Plaine Sophie, excuse me.

The Deputy Prime Minister: At Plaine Sophie!

Mr Osman Mahomed: Yes. On 03 August 2012, in his original statement, the Deputy Prime Minister has stated that the wind farm will now be commissioned, operational at the end of this year. Six years down the road! Madam Speaker, can I ask the hon. Deputy Prime Minister, given that there is a subsidy of Rs75 m. per year for this project - because the energy price there is Rs6.45 per KWh - whether it is not going to be in the public interest to sit down with the promoter and revise this price downwards, because when the tender was floated in 2010, wind farms were very expensive and now they are much cheaper, so the subsidy that is going to go to this project must be reduced for the sake of public funds - technology has evolved in the meantime.

The Deputy Prime Minister: I don't like so much looking at the past, but it is a fact that the contract was signed in the circumstances that it was signed and it was signed for a certain price. I have to go back to my books to see this. I believe it was fixed for a very long period and, of course, we can always sit down and re-negotiate contracts. I don't believe that this has been very successful in the past, but we can try.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. My second question pertains again to the MID Action Plan. There is the provision for five by two MW. In his original reply, the Deputy Prime Minister has mentioned that only three are operational. What has become of the other two by two MW which is in the MID Action Plan?

The Deputy Prime Minister: I am sorry, it escapes my attention. Which ones are we talking about?

Mr Osman Mahomed: Item 4(c) of the MID Action Plan of the table I have referred to in my question. Provision is made for five by two MW solar photovoltaic farms. In your

original reply you have said that only three of them are operational. Can I ask what has become of the other two?

The Deputy Prime Minister: I am sorry, I did not catch the question. Two promoters pulled out. The two promoters pulled out, that's so.

Mr Osman Mahomed: About the Solitude project which the hon. Deputy Prime Minister mentioned in his original reply, now, we are talking about Voltas Yellow, 13.6 MW. In the tender document, mention is made that connection has to be on 66 KV distribution line. Rumours have it that it is going to go onto the 22 KV, thereby changing the rule of the games completely because investing in 66 KV would warrant an investment from the part of the promoter of some Rs40 m., and a penalty of Rs4 m. is being applied to compensate for this change of line. Can I ask the hon. Deputy Prime Ministry, whether this does not violate the tender requirements because other promoters have quoted based on the 66 KV requirements?

The Deputy Prime Minister: I have heard of this. I have discussed this. I just need to have a small confirmation from my advisors as to that connection between the production and the transmission - and I get it now.

Well, what I am reading, and this is confirming what I thought, they will be connected to 66 KV with a 22 KV line which has cost them - the ESPA is being adhered to. That is the view of my Ministry that they are adhering to the ESPA.

Mr Osman Mahomed: A last question. So, we are connecting on the 66 KV and not on the 22 KV at all and the promoter is going to meet the investment requirement?

The Deputy Prime Minister: I want to make sure that I don't make any mistake in my answer. Yes, that is correct.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: The hon. Deputy Prime Minister just made mention of a scheme designed for the SMEs which was launched recently, I think. May I ask the hon. Deputy Prime Minister whether that scheme will be addressing only SMEs or other *petits commerces*, small scale industries, and what will be the criteria used to select the beneficiaries with regard to those SMEs or other *petits commerces*?

The Deputy Prime Minister: First of all, this will be a scheme only for SMEs. It has met a resounding success; 1,100 applicants, rather good as a success. It will cover only small

businesses which are already in a special category of consumers. I believe it is to two point something. Those who come within that category will benefit from that scheme.

(Interruptions)

Sorry?

(Interruptions)

I'm sorry, I did not hear.

Madam Speaker: Your microphone, please!

Mr Ganoo: How will the beneficiary be chosen?

The Deputy Prime Minister: I don't know how. I am sure there must be a scheme at CEB. I am not in a position to tell you now. Let me just see - First Come First Serve.

RENEWABLE ENERGY PROJECTS

(No. B/137) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the renewable energy projects initiated since January 2015 to date, he will give a brief description thereof and indicate where matters stand in relation thereto.

(Vide reply to PQ No. B/136)

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

At 1.06 p.m., the sitting was suspended.

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

Madam Speaker: Hon. Osman Mahomed!

CEB (FIBERNET) CO. LTD - CONTRACTS

(No. B/138) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board (FiberNET) Co. Ltd., he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) composition of the –
 - (i) Procurement Committee, and
 - (ii) Tender Evaluation Committee thereof, and

(b) number and value of bids allocated since the creation thereof to date.

The Deputy Prime Minister: Madam Speaker, can I start by referring to the reply I gave to Parliamentary Question No. B/81 last week, in which I informed the House that as a start-up company, CEB (FiberNET) Co. Ltd. has been operating as a lean organisation with the support of the CEB?

All procurement of the CEB (FiberNET) Co. Ltd. has been carried out by the Supply Chain Department of CEB. For each bidding exercise, an *ad hoc* Bid Evaluation Committee is set up with the approval of the Board.

With regard to part (b), in my reply to Parliamentary Question B/212 of 11 April 2017, I circulated the list of contracts awarded by the CEB (FiberNET) Co. Ltd. Since then only one other contract has been awarded and this was to BDO for the value of Rs1,714,000 for the development of a Strategic Business Plan.

I am tabling the composition of the Bid Evaluation Committee for each bidding exercise.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Sorry, can I have a copy of the list? Yes, thank you. Madam Speaker, from the list that has just been circulated, Mr Kesnalall Balgobin has been Chairperson of major Tender Evaluation and Procurement Committees, some of which exceeding Rs100 m., for example, the one awarded to ECI, 4 million euros. Now, does not the hon. Deputy Prime Minister consider this to be a violation of basic governance principles because Mr Balgobin happens to be the Chief Finance Officer of the CEB or Finance Manager, in charge of Finance, whereby he will be approving for financing tenders that he himself has evaluated and he happens to be the Chief Manager of the CEB? So, does he not consider this to be a violation of basic good governance principles?

The Deputy Prime Minister: Of course, it is not what I consider which matters. It is whether it violates or does not violate the principles of good governance. Last week, the hon. Member did raise that question and I took the pain of verifying and checking, not only on the codes but also by asking some people who are in the know, it is a very small community, and as a general principle there is nothing wrong for the Finance Controller sitting on the Board. That is the first point.

With regard to the second point, that is, conflict of interest when he sits on the Board and he is also on the Bid Evaluation Committee, I have checked with the company. He did not, in fact, sit on the Board when the matter was discussed. So, he removed himself at the time. As a matter of fact, this is what happened.

Madam Speaker: Hon. Osman Mahomed, yes!

Mr Osman Mahomed: Madam Speaker, a group of CEB employees, I believe, wanting the welfare of CEB, has written a four-pager document titled: "Mr K. Balgobin of the Central Electricity Board, the Dass Appadoo of the CEB." I am going to table this document because there are some worrisome points in there for the attention of the hon. Deputy Prime Minister, for his eyes only, so that he can look into the matter and take the necessary action needed for the sake of the CEB. With your permission, can I table it, Madam Speaker?

Madam Speaker: Yes, can I just ask the hon. Member for clarification? He said that he is giving it to the hon. Deputy Prime Minister for his eyes only. So, the hon. Member is not tabling the document?

(Interruptions)

Okay!

Mr Osman Mahomed: Because the moot point of that document is at CEB *tout is enbas lahaut*. So, I am going to send it to the hon. Deputy Prime Minister for his eyes only. Thank you.

Madam Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: Madam Speaker, can I ask the hon. Deputy Prime Minister, he has repeatedly, in the House, informed us that the famous CEB (FiberNET) Co. Ltd. has adopted all the procedures of the CEB for procurement. Now, we know that the CEB is an exempt organisation only for purchase of goods for resale, that is, electricity but not for anything else.

Now, he informed us also last week that, of course, CEB (FiberNET) Co. Ltd. goes to the CPB. Now, we know that CEB, the main company, has to go to the Central Procurement Board for contracts above Rs100 m. Now, we have a contract here, I can table the Bid Evaluation Document, for Rs140 m. Will the hon. Deputy Prime Minister tell us why this has not gone as per CEB procedures to the Central Procurement Board? Why it was merely

allotted by a Bid Evaluation Committee of CEB (FiberNET) Co. Ltd.? And, I will table this, Madam Speaker, it is duly signed.

The Deputy Prime Minister: I shall look into it and come back with a statement.

Mr X. L. Duval: Madam Speaker, I said last week that the hon. Deputy Prime Minister had misled the House in that, and I mean it, the CEB (FiberNET) Co. Ltd. has no obligation to go to the CPB for anything even if it allocates contracts for Rs1 billion! I am, therefore, asking the hon. Deputy Prime Minister whether he maintains what he has said or whether during the week he has had the chance - I am not saying he did it deliberately, I hope not, but he has had a chance - to talk to his wonderful team and find out what the truth actually is regarding three subsidiaries that he has himself created?

The Deputy Prime Minister: The matter was raised in Parliament at the time when the hon. Leader of the Opposition was Number 2. All this was canvassed and...

(Interruptions)

Madam Speaker: No!

(Interruptions)

The Deputy Prime Minister: Well...

(Interruptions)

Madam Speaker: Please!

(Interruptions)

The Deputy Prime Minister: ...all this was canvassed...

(Interruptions)

Madam Speaker: Allow the hon. Deputy Prime Minister to speak!

The Deputy Prime Minister: ...and I said clearly there is a directive of the Procurement Policy Office which applies to all public bodies.

(Interruptions)

Mr X. L. Duval: Does the hon. Deputy Prime Minister maintain? Madam Speaker, I would like to ask the hon. Deputy Prime Minister whether he has not misled the House when he himself said, not 10 years ago, last week in this House -

“(...) Of course, it goes to CPB!”

Here it is in the Hansard. Does he maintain that or does he not maintain that?

The Deputy Prime Minister: So, as I was saying, Madam Speaker...

(Interruptions)

I am sorry?

Madam Speaker: I said no comment from a sitting position, please!

The Deputy Prime Minister: There is a directive of the Procurement Policy Office - this is what I said - which applies to all public bodies. It says -

“If you are an exempt organisation, you need to have procurement rules confirmed by the PPO; you need to have a Bid Evaluation Committee; you need to have tender procedures streamlined.”

That does not mean that you obviously have to go to the CPB. That is my reading of this, and that does not mean that you do not need to go to the CPB. You may go or you may not go, according to the procedures. In that case, it was perfectly free. I did not mislead or anything.

(Interruptions)

Madam Speaker: Hon. Leader of the Opposition! Please!

(Interruptions)

The Deputy Prime Minister: I did not mislead the House! The hon. Leader of the Opposition can shout as much as he can! He is not in Quatre Bornes here! He is in the National Assembly!

(Interruptions)

Madam Speaker: Please, hon. Leader of the Opposition! Not from a sitting position, please!

(Interruptions)

Hon. Leader of the Opposition! Please!

(Interruptions)

Mr X. L. Duval: One last question. The hon. Deputy Prime Minister has - maintained - deliberately misled the House last week. I am tabling a copy of the Hansard; I am tabling a copy of CEB FiberNET, Rs140 m. of public money spent without going to the CPB, contrary to what the main Board of the CEB would have done. I am also tabling Schedule I of the

Public Procurement Act, where it says clearly CEB is exempt for goods and services and Part V of the Public Procurement Act. The decent thing, Madam Speaker, would be for the hon. Deputy Prime Minister to apologise to this House!

(Interruptions)

The Deputy Prime Minister: There was nothing wrong! There was nothing wrong in the procedures. The procedures were approved by the Board of the CEB. There is, therefore, no need to refute the statement that I have made.

Madam Speaker: Hon. Uteem!

Mr Uteem: Madam Speaker, the law is very clear. CEB FiberNET is an exempt organisation and section 3(2A) of the Public Procurement Act 2006 reads -

“(2A) Every exempt organisation shall establish its own procurement rules in relation to such types of contracts as may be prescribed.”

Because exempt organisations fall outside CPB. So, may I know from the hon. Deputy Prime Minister whether he is prepared to lay before this House the procedure, the procurement rules that have been adopted by CEB FiberNET in relation to all its procurement, as required by law?

The Deputy Prime Minister: They are on the website. If one checks on the website. They are the rules of the CEB, which CEB FiberNET follows. I want to make it very clear. The CEB FiberNET follows the procurement rules of CEB and it is under the authority of the Board. May I add that the Public Procurement Office is there to verify if any of the public bodies fall foul of the procurement guidelines.

Mr X. L. Duval: We are talking about prescription by the PPA, Public Procurement Act. This is what the hon. Deputy Prime Minister should produce! Not prescription by whatever company!

Madam Speaker: Hon. Leader of the Opposition, I have already given the floor to hon. Ramful. I would allow him to ask his question.

Mr Ramful: It is a matter of fact that in the last Finance Act, this company, CEB FiberNET, has been exempted from the purview of the Central Tender Board. This is very clear. Now, given that we are dealing with public money, hundreds of millions of rupees, does not the hon. Deputy Prime Minister think that he should bring amendment so that this company is brought back within the purview of the CTB?

The Deputy Prime Minister: My very good friend, the hon. Member for Grand Port, has a memory lapse. Government came to the Assembly to make of CEB FiberNET an exempt organisation. Bringing an amendment to the law! When the Labour Party created CEB ICL without...

(Interruptions)

Madam Speaker: Order! Please, order!

(Interruptions)

Hon. Shakeel Mohamed, please calm down!

(Interruptions)

Please calm down, hon. Shakeel Mohamed! Please calm down so that we can bring order to this House!

(Interruptions)

Hon. Shakeel Mohamed, I am calling you to order! I am asking you not to interrupt and not to make comments from a sitting position so that we can bring calmness to this House.

The Deputy Prime Minister: Well, I do realise why some Members get jittery, because they were in Government at the time that they did that CEB ICL, which is the worst thing that could have happened.

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed, please!

The Deputy Prime Minister: I have never been a Counsel from any other country, taking money...

(Interruptions)

Madam Speaker: Order!

The Deputy Prime Minister: I do not go to these other things, doing all that. I am only mentioning precedence for CEB subsidiaries. I am on the point. Long ago, it used to be done by a Minister through regulations. They bought 26%...

(Interruptions)

They can shout! I am saying that this time it went through in Parliament.

Madam Speaker: Next question, hon. Osman Mahomed!

CEB - RECRUITS

(No. B/139) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain therefrom and table a list of the recruits thereat since January 2015 to date, indicating in each case, the –

- (a) residential address;
- (b) post occupied;
- (c) qualifications held, and
- (d) remuneration drawn.

The Deputy Prime Minister: Madam Speaker, the data, which is the object of the present question, are under sole control of the Data Controller. It is considered that under the Data Protection Act, it would be unlawful for CEB to process or otherwise disclose the information required.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: I was hoping, Madam Speaker, I would get a copy to verify the veracity of what has been told, about what is going on at the CEB. Madam Speaker, can I ask the hon. Deputy Prime Minister, at least, whether he confirms, out of 290 people or so who have been recruited, mostly in 2016, 103 of them are from Rose Hill? I am not talking about the vicinity of Rose Hill. I am talking about Rose Hill per se. Is that a fact, so that I can at least satisfy those people who come to me to complain about what is going on at the CEB?

The Deputy Prime Minister: Well, if a proper question is asked, I will check. Last time, hon. Mohamed, I think, asked a question as to the number of people who have been recruited per district. I gave the answer. But not when you ask names, addresses of people. Then, it becomes an invasion of their privacy. I cannot do that.

Mr Osman Mahomed: OK. Meanwhile that I come with that substantive question, can I ask the hon. Deputy Prime Minister whether all those people who are being recruited are not required to submit a Certificate of Character, which I personally view with great concern? Because we are recruiting, for example, CEB meter readers who are going into the

homes of people and who might be thieves or rapists and what not. Is that a fact, hon. Deputy Prime Minister?

The Deputy Prime Minister: I do not know. I must say, I must confess that I do not know. But I must also state that I would be very surprised that CEB recruits people without a Certificate of Character. The General Manager is here. They have to submit a Certificate of Character. Some of us would not be able to get as meter readers in CEB.

Mr Osman Mahomed: Madam Speaker, as far as I know, I know, because I have a list with me. And in there, in the last column, it is written...

Madam Speaker: Can I just ask you to which document you are referring to, please?

Mr Osman Mahomed: The list of recruits that I referred to just now. Mostly in 2006, the 300 or so people!

Madam Speaker: Do you propose to table this list?

Mr Osman Mahomed: Can I, Madam Speaker, with your permission?

Madam Speaker: If it is an authenticated list I can allow you to table it.

(Interruptions)

Do not give instructions to me!

Mr Osman Mahomed: Madam Speaker, instead I will proceed as follows.

(Interruptions)

Madam Speaker: Now, don't argue with me! And mind your tone!

(Interruptions)

Don't argue with me! Hon. Shakeel Mohamed, mind your tone when you address the Chair! This is a warning that I am giving you. You have been in this Parliament for quite some time. I think you should know that you should mind your tone when addressing the Chair. Yes!

Mr Osman Mahomed: Madam Speaker, instead, I propose to proceed as follows. I will table it for the Deputy Prime Minister to confirm the veracity of it because it is worth what is worth. Can I ask the ...

The Deputy Prime Minister: Madam Speaker, I am sorry. On a point of order, the hon. Member cannot just table a document or any piece of paper - as he says - for me to verify.

Madam Speaker: Hon. Deputy Prime Minister, I have just said that if he tables the document, it is for the Table now to decide whether that document is acceptable or not. I have said that any document which is not authenticated will not be accepted.

Mr Osman Mahomed: Thank you, Madam Speaker. In the last column, it is stated that Certificate of Morality is not required. This is what the purpose is about.

The Deputy Prime Minister: No, I object to the document being produced. On a point of order, this is out of order.

(Interruptions)

Mr Osman Mahomed: Madam Speaker, my last question is as follows. Is the CEB resorting to the Ministry of Labour to recruit people in the CEB with notice of vacancies, whereby it is clearly written in the notices that geographical area is a requirement, and in one case it is Moka and Plaine Wilhems? Does the hon. Deputy Prime Minister not consider this to contravene clause 4 of the Employment Rights Act, which talks about discrimination in employment and occupation, more specifically with the aspect of the place of origin? Does he not consider that to be in contradiction with that clause of the law?

The Deputy Prime Minister: Certainly not! I do not know about the details, but I know that CEB has decided, for certain grades, to go through the Ministry of Labour because they got a database of all those who are seeking employment. Perhaps in order to work in Mahebourg they look for people who live in the district of Grand Port - I don't know. But I am sure that this is what they do.

Madam Speaker: I have checked the document which has just been laid on the Table of the Assembly. I am sorry to say that we do not know where this document comes from and it is not acceptable to the Chair.

Hon. Dr. Boolell, you have a last question on this matter?

Dr. Boolell: Will the hon. Deputy Prime Minister state if priority of recruitment had been given to those who had been on the waiting list of the Ministry of Employment since days immemorial, otherwise this exercise is flawed and he is to be held responsible for recruiting people who should not have been recruited?

(Interruptions)

Madam Speaker: Please!

(Interruptions)

Hon. Rutnah, please!

The Deputy Prime Minister: Coming from this hon. Member, I see that ironical. There is a Ministry in charge of that Labour Department. We go through the Labour Department. I do not know how they do it, but they gave us a list and we choose.

Madam Speaker: Next question, hon. Abbas Mamode!

FIRE STATIONS – RELOCATION & CONSTRUCTION

(No. B/140) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the relocation/construction of new fire stations, she will, for the benefit of the House, obtain from the Mauritius Fire and Rescue Service, information as to where matters stand in each case, indicating the –

- (a) expected start date thereof;
- (b) cost involved, and
- (c) regions/areas that will be covered.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I am informed that there are currently 10 fire stations that service all regions in Mauritius. To reduce the response time for the intervention of firefighters and to offer a better service to the community, the construction of two additional fire stations have been earmarked in the financial year 2017/2018 at Rose Belle and Goodlands. Moreover, two other projects for the relocation of Port Louis Fire Station and Quatre Bornes Fire Station have also been earmarked for implementation.

With regard to part (a) of the question, I am informed that the contract for the construction work for Rose Belle Fire Station was awarded on 13 June 2017. The site has already been handed over to the contractors since 31 October 2017. The works have started on 14 November 2017 and are expected to be completed in May 2019.

As for the construction of Goodlands Fire Station, I am informed that the preliminary drawing is being finalised at the level of the Ministry of Public Infrastructure and Land Transport. The specification for the bidding document will be prepared by that Ministry once the design is finalised.

With regard to Port Louis Fire Station, which is in a very bad state, I wish to inform the House that procedures were initiated for the identification of a plot of land for the temporary location of the said fire station pending the construction of the Immigration Square Urban Terminal whereby space has been earmarked for a new fire station together with an administrative building.

A plot of land was subsequently identified at the Mauritius Sugar Bulk Terminal for the temporary relocation of the fire station. The drawing for the relocation of the fire station has already been finalised by the Ministry of Public Infrastructure and approved by the Mauritius Fire and Rescue Service. The specifications are now being prepared by the Ministry of Public Infrastructure and Land Transport after which tenders will be launched.

With regard to Quatre Bornes Fire Station, I am informed that the building is an old one which the fire service is renting from the Municipal Council of Quatre Bornes. I am further informed that the fire service has already started procedures for the relocation of Quatre Bornes Fire Station. A plot of land has been identified and the Ministry of Housing and Lands is initiating procedures for its acquisition. Once the land acquisition procedures are finalised, the preliminary design will be prepared by the Ministry of Public Infrastructure and Land Transport.

I am informed that with regard to part (b), the project value is as follows –

- Rose Belle Fire Station – Rs48 m.;
- Goodlands Fire Station – Rs60 m.;
- Relocation of Port Louis Fire Station – Rs29.6 m.;
- Relocation of Quatre Bornes Fire Station – Rs90 m.

With regard to part (c), Rose Belle Fire Station will cover the regions of Rose Belle, Union Park, New Grove, Mare d'Albert, La Flora, Grand Bois, Bois Cheri, Mare Tabac, Gros Billot, part of Rivère du Poste, Cluny, Banane, St d'Hubert, Mare Chicose and part of Nouvelle France and Plaine Magnien. As for Goodlands Fire Station, it will cover the regions of Goodlands, Roche Terre, Grand Gaube, Petit Raffray, Cap Malheureux, Mon Loisir, Daruty, Vale, Belle Vue Harel, Cottage, St Antoine and Pointe des Lascars, among others.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Madam Speaker, I am made to understand by the Minister's reply that the relocation will be afterwards; we do not know. Being given that when a fire breaks out in Port Louis, it is very difficult for the lorries to go through Port Louis...

(Interruptions)

Madam Speaker: No crosstalking, please!

You are addressing the Chair, you cannot address these people. Don't pay any attention to them!

Mr Abbas Mamode: Is there any plan in the near future to reallocate the fire station behind the Municipal Council of Port Louis?

Mrs Jeewa-Daureeawoo: The hon. Member has said that he does not know which relocation will be taken. I have said two relocations: Quatre Bornes and Port Louis. Now, the Port Louis Fire Station, Madam Speaker, has been in a dilapidated state since many years.

(Interruptions)

Yes, since many years.

Madam Speaker: Hon. Abbas Mamode, I have said that you should not interrupt!

Mrs Jeewa-Daureeawoo: This is not new, on the contrary this Government has taken this matter very seriously and everything is being done so that we can relocate the Port Louis Fire Station pending the major construction.

Madam Speaker: Yes, hon. Ganoo! You had a question on this, hon. Ganoo? No. Hon, Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. With regard to the Goodlands Fire Station, may we know exactly when it is going to be constructed and what provisions have been made in terms of manpower there and in terms of the equipment, fire trucks and all this? Because it is quite a big area that is being covered by the station!

Mrs Jeewa-Daureeawoo: Well, in my reply, I have said that the preliminary drawing is being finalised at the level of the Ministry of Public Infrastructure and then the specifications for the bidding document will be prepared by that particular Ministry.

Madam Speaker: Hon. Ramano!

Mr Ramano: Est-ce que je pourrais savoir de l'honorable ministre le lieu exact qui a été identifié pour la construction du nouveau site pour le *Fire Station* pour la ville de Quatre Bornes?

Mrs Jeewa-Daureeawoo: Well, a plot of land has been identified in Quatre Bornes, not far from the existing Fire Station.

(Interruptions)

Well, I don't have the specific details. If the hon. Member comes with a specific question, I will give him the details.

Madam Speaker: Yes, hon. Ameer Meea!

Mr Ameer Meea: Thank you, Madam Speaker. If I heard the hon. Vice-Prime Minister correctly, the temporary relocation of the Fire Station of Port Louis will be relocated at Bulk Sugar Terminal. Will the hon. Vice-Prime Minister agree with me that this place is not suitable at all for a Fire Station that will attend any fire in the centre of Port Louis, in the region of Plaine Verte, Vallée des Prêtres, Ste Croix, all these regions? So, I will ask the hon. Vice-Prime Minister to reconsider a suitable place because with the works that are going on with the Tramway Express at the entrance of Port Louis, it is very congested for a lorry to come from Sugar Terminal to the centre of Port Louis?

Mrs Jeewa-Daureeawoo: As I have said, this is a temporary measure and this has been approved by the Fire Services itself. They have approved it, so what can we do?

Madam Speaker: Next question, hon. Jhuboo!

TRAFFIC BRANCH – POLICE OFFICERS & VEHICLES

(No. B/141) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Traffic Branch, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of different units thereof indicating in each case, the number of –

- (a) Police Officers posted thereat, indicating the duties assigned thereto, and
- (b) vehicles attached thereto.

(Withdrawn)

ILE AUX BÉNITIERS – SITE VISIT - RECOMMENDATIONS

(No. B/142) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Tourism whether, in regard to the Ile aux Bénitiers, he will state, following the site visit he effected thereat in August 2017, the recommendations proposed and implemented as at to date and if a Master Plan on the future developments thereof has been programmed.

(Withdrawn)

PETITE RIVIERE NOIRE VILLAGE - DRAINS

(No. B/143) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Petite Rivière Noire Village, he will state if a hydrologic survey has been carried out to identify the problems that occurred thereat during the recent floods, indicating the remedial measures being contemplated in relation thereto.

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): Madam Speaker, with your permission, I shall reply to this Parliamentary Question. I am informed that hydrologic survey is normally carried out by the Ministry of Environment and Sustainable Development for major projects. As for the Petite Rivière Noire Village, I am informed by the Road Development Authority that no such survey has been carried out.

However, following the recent torrential rains in January/February 2018 and post cyclone Berguitta, some flood areas were identified on classified roads in the region of Petite Rivière Noire Village and remedial actions are in progress as follows –

(a)	Case Noyale opposite church	Construction of 200 metres long drains in progress to the tune of MUR2 m.
(b)	Case Noyale before SSS La Gaulette	Construction of 200 metres long drains in progress to the tune of MUR2 m.
(c)	Main Road in Petite Rivière	Cleaning of existing drain completed.

Madam Speaker: Yes, hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Following the flash floods recently, the entire village was under the water and not a single house was spared. And even the *centre de refuge* was flooded. Now, the various solutions were proposed, namely the drainage of the

Barachois, the construction of an embankment along Fatima River, and, thirdly, the possibility of relocating the most vulnerable inhabitants, a bit like the model that was proposed for Rivière des Galets. Will the hon. Minister agree with me that before the next cyclonic season, we should come with a proposal to the inhabitants of Petite Rivière Noire?

Mr Bodha: I have some additional information; I have also been informed by the Ministry of Environment and Sustainable Development that the combination of bridge and culvert along the Black River Coastal Road near Chapelle Fatima is known to be regularly overflowed, exactly what the hon. Member said, due to obstruction caused by the flow of debris from upstream during heavy rain situations, as you mentioned. Same has recently been upgraded.

Madam Speaker, I am further informed that the National Development Unit will implement one drain project along Avenue Barachois. The project consists of cleaning of the existing open drain over 90 m approximately and the construction of 300 mm wide drain over 40 m approximately to extend the existing drain towards the sea outlet. In fact, as you mentioned that the problem is quite serious, the Land Drainage Unit was envisaging to produce what we call the digital elevation model to prepare a master plan for that area.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Although we agree with the Minister that this a flood-prone area, has he been made aware that things have really deteriorated since the last floods and can he check or has he been made aware again that it is due to the new *morcellement* that has been made at the feet of the hills near the main Black River Road near this church and will he see to it that all the conditions imposed by the *Morcellement* Board upon the promoters or the cahier des charges have been scrupulously respected and whether they have not been building natural drains and this is what has caused these heavy floods resulting in the inundation of all the houses in this small village?

Mr Bodha: Madam Speaker, this could be an explanation to what happened. So, I will see to it that there is a proper survey which is being done as regards to whether the *morcellement* specifications have been complied with or not.

Madam Speaker: Next question, hon. Jhuboo!

REFUGEE CENTRES - CYCLONIC & TORRENTIAL RAINS - PROCEDURE

(No. B/144) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the cyclonic and torrential rains procedures, he will state the proposed amendments to be brought thereto in respect of the Refugee Centres.

Mr Sinatambou: Madam Speaker, the procedures to be adopted in the event of cyclonic and torrential rains are spelt out in the National Disaster Scheme of 2015.

The procedure for cyclonic rains is specifically treated in the Cyclonic Emergency Scheme to be found at pages 9 to 43 of that document, whereas the procedure for torrential rains is dealt with under the Heavy Rainfall, Torrential Rain and Flooding Emergency Scheme to be found at pages 49 to 96 of the document.

I am tabling a copy of the National Disaster Scheme of 2015 which is a document of 287 pages for the purposes of providing a comprehensive explanation with regard to the procedures which currently apply upon the occurrence of cyclonic and torrential rains.

Under section 17 of the National Disaster Risk Reduction and Management Act of 2016, a National Emergency Operations Command is activated whenever a cyclone warning is issued or whenever the island experiences significant rainfall which may be followed by a torrential rain or heavy rain warning issued by the Mauritius Meteorological Services.

The Emergency Operations Command is a multi-agency organisation comprising representatives from different Ministries and Departments, including my Ministry, other emergency services, NGOs and the private sector. It is the main coordinating body during the preparedness, response and recovery phases for cyclones, torrential rains and flooding. There are 172 approved emergency shelters available across the island to provide emergency shelters to vulnerable families who seek refuge whenever a cyclone warning Class 3 is in force.

Nevertheless, there are instances when these shelters are made operational during heavy rainfall or when a cyclone warning Class 1 or Class 2 is in force. Moreover, in the event where houses of the inhabitants have been flooded during torrential rain or heavy rain, these flood victims may call at the nearby Police Stations requesting the opening of emergency shelters. In such circumstances, the Police will verify the information and, upon confirmation, will inform the Emergency Operations Command, which coordinates the opening of specific shelters with my Ministry.

The Emergency Operations Command coordinates the management of these emergency shelters through the representatives of the Police Department and of my Ministry. It initiates appropriate actions, as per established protocol, to, among others, open the emergency shelters, make arrangements for their staffing and ensure that all precautionary measures are taken and arrangements made to enable the emergency shelters to accommodate the vulnerable families. According to procedures established decades ago, all emergency shelters are equipped with basic amenities in the event of cyclone, torrential rain and

flooding. The evacuees are taken care of by the staff of the emergency shelters and are provided with basic commodities such as water, biscuits and hurricane lamps.

Madam Speaker, I wish to add that during the passage of cyclone Berguita in January 2018, and the occurrence of torrential and heavy rains in February and March 2018, the number of evacuees who sought refuge at emergency shelters increased substantially. Large number of evacuees sought refuge in emergency shelters, which could hardly accommodate them. Given these circumstances, Government has set up a Ministerial Committee under the chairpersonship of the Vice-Prime Minister, Minister of Local Government and Outer Islands to look into the whole issue. The Ministerial Committee has so far met on three occasions.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Merci, Madame la présidente. Dans l'absolu, les victimes d'inondations, les sinistrés sont théoriquement plus en sécurité dans les refuges. Mais dans certains cas, c'est le contraire, notamment dans le cas de Petite Rivière Noire, où le centre de refuge lui-même était inondé ; dans le cas de Tamarin, où il fallait se rendre en pirogue dans le centre de refuge. Donc, ma question à l'honorable ministre est la suivante : y a-t-il eu un audit de tous les centres de refuge qui sont à risque, et si tel est le cas, quelles sont les mesures qui ont été prises par l'honorable ministre pour y remédier ?

Mr Sinatambou: As I said, given the circumstances surrounding the passage of cyclone Berguita in January and the floodings which we experienced in February and March, Government has set up a Ministerial Committee to look into the whole issue.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. The hon. Minister just mentioned the setting up of a Ministerial Committee. May I know from the hon. Minister what are the key issues that have been addressed to date by this specific Committee?

Mr Sinatambou: In the course of the three times on which the Committee has met, Madam Speaker, it has dealt with, among other things, payment of allowances, conditions prevailing in refugee centres, the adequacy of the number of the refugee centres, the carrying capacity and the manning of the refugee centres to meet the growing number of references, the registration of refugees, and the provision of meals.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: May I know from the hon. Minister whether, during discussions with his colleagues, despite the Ministerial Committee meetings, tenders have been called for future calamities for the purchase of biscuits, *biscuits cabine*...

(Interruptions)

..whether tenders have been launched; whether he has had the opportunity to discuss with his colleagues the types of biscuits, water and so on to be distributed to these poor persons?

Mr Sinatambou: Let me perhaps inform the House, Madam Speaker, that, as I said earlier, according to procedures established decades ago, the evacuees in cases of torrential and cyclonic rains are taken care of by the staff of the emergency shelters and provided with basic commodities such as water, biscuits and hurricane lamps. I am informed that, prior to 1998, for every 100 refugees expected at a refugee centre during cyclone warning class III, 2 pounds of tea, 10 tins of condensed milk, 20 pounds of sugar, and 4 pounds of local biscuits were provided. Subsequently, as from 1998, the then Government decided to stop making arrangements for the provision of tea due to fire hazards. Supervisors were, as from 1998, requested to purchase 5 litres of mineral water and 15 litres of soft drinks and 4 pounds of local biscuits for every 100 refugees. Since 2005, due to the high prevalence of diabetes, the then Government decided to stop the provision of soft drinks, and I am informed that it provided only 5 litres of mineral water and 4 pounds of biscuits for every 100 refugees who attended a refugee centre. I wish to point out that the amount of biscuits and water, therefore, provided to each of the emergency shelters was clearly insufficient to meet the demand of evacuees. During Cyclone Berguita, I decided to increase the amount to 250 g of biscuits per person, which is 10 times more than what they were giving when they were in power.

(Interruptions)

And I gave 2 litres of water per evacuee...

(Interruptions)

...which is 40 times more than what they were giving.

(Interruptions)

Madam Speaker: Order! Hon. Adrien Duval, yes!

(Interruptions)

Mr Sinatambou: However, Madam Speaker...

Mr A. Duval: Thank you, Madam Speaker.

Mr Sinatambou: Madam Speaker, please, if I may finish. However, one must agree that no situation is perfect, which is why Government has set up this inter-ministerial committee to look into the need to review the meal allowances...

(Interruptions)

Madam Speaker: Yes. Be brief, please, hon. Adrien Duval because I have already allowed 10 minutes for this question!

Mr A. Duval: Yes, I will be very quick. Madam Speaker, in early January, with the Cyclone Berguitta, it became apparent that the *centres de refuge* were not ready, were not prepared as they should have been to welcome les *sinistrés*. In fact, there have been 2,200 people who turned up to the *centres de refuge*.

Madam Speaker: No!

Mr A. Duval: Madam Speaker, it is important...

Madam Speaker: Please sit down! I do not think question time should be a pretext for you to make a statement. Your question is intelligible. We have understood your question!

(Interruptions)

Please, sit down! I have already told you that I have allowed you that question. I believe that 10 minutes for such a question is enough. Anyway, I allowed you your question, and I told you right at the beginning to be brief. So, please, just ask your question and do not make a statement!

Mr A. Duval: You are doing me not a favour, Madam Speaker. I am doing my job. This is an important question.

(Interruptions)

Madam Speaker: Excuse me!

(Interruptions)

Excuse me! Please sit down! I think you have made a comment to the Chair, which you should not have made. You were a Deputy Speaker before and you know the rules of procedure of this House. So, ask your question!

Mr A. Duval: I am just doing my job, Madam Speaker. What I was saying, Madam Speaker, is that, last time, *c'était apparent que les centres de refuge n'étaient pas assez équipés. Est-ce que l'honorable ministre va maintenant faire en sorte - étant donné que le mois de février a été un temps record en termes de pluviométrie - que les centres soient équipés convenablement et qu'on fasse provision de plus de deux matelas par centre de refuge ?*

Mr Sinatambou: As I stated in my reply earlier, Madam Speaker, the Ministerial Committee, which has been set up under the chairpersonship of the Vice-Prime Minister, Minister of Local Government and Outer Islands, is looking into issues which are very important and serious, namely the conditions prevailing in the refugee centres; the adequacy of the number of refugee centres; the carrying capacity and the manning of refugee centres to meet the growing number of refugees, and indeed all the amenities associated therewith.

Madam Speaker: Next question, hon. Quirin!

TRUST FUND FOR EXCELLENCE IN SPORTS – BENEFICIARIES

(No. B/145) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Trust Fund For Excellence in Sports, he will, for the benefit of the House, obtain therefrom, information as to the sports disciplines it currently supports, indicating in each case, the names of the athletes concerned therewith, further indicating in respect of each athlete, the respective –

- (a) age and gender thereof, and
- (b) type of support given.

Mr Toussaint: Madam Speaker, following applications from the National Sports Federations, the Trust Fund for Excellence in Sports (TFES) is currently supporting the following disciplines, namely athletics; badminton; boxing; judo; swimming; weightlifting; kick-boxing; cycling, and horse riding

Requests are awaited from the other federations.

Madam Speaker, I am tabling the list of athletes who are benefiting assistance from the TFES, and the details requested.

Mr Quirin: Madame la présidente, peut-on savoir dans le cas de la natation si le groupe de nageurs qui bénéficient d'une bourse, justement du *Trust Fund for Excellence in Sports*, fonctionne toujours en groupe, et si ce n'est plus le cas, peut-on savoir pourquoi?

Mr Toussaint: Madame la présidente, actuellement l'équipe des nageurs sont retournés à s'entraîner dans leurs clubs respectifs et ceci, bien sûr, après avoir fait une réunion avec la fédération. Donc, au niveau de la fédération, ils ont décidé que c'est plus pratique que les nageurs qui forment le *squad* mauricienne retournent s'entraîner avec leurs clubs respectifs.

Madam Speaker: Hon. Quirin !

Mr Quirin: Madame la présidente, peut-on savoir de l'honorable ministre si le moyen de transport que le *Trust Fund* met normalement à la disposition des athlètes qui s'entraînent, avant et après leurs séances d'entraînement, est toujours disponible pour ces athlètes, ou si cela a été supprimé récemment?

Mr Toussaint: Madame la présidente, est-ce que l'honorable membre fait allusion au transport pour la natation ? Donc, si c'est pour la natation, d'après les renseignements que j'ai, oui, ils ont toujours un transport.

Mr Quirin: J'aimerais que l'honorable ministre nous dise si à partir de juillet 2017, pour l'année financière en cours, quels sont les athlètes qui ont bénéficié des stages à l'étranger, financés par le *Trust Fund*, et le coût total de ces stages ?

Mr Toussaint: Madame la présidente, dans le document que j'ai circulé, au niveau du cyclisme, ils ont bénéficié d'un training à l'extérieur. Sinon, je n'ai pas d'autres renseignements, mais éventuellement je pourrai fournir ces renseignements.

Madam Speaker: Hon. Lepoigneur!

Mr Lepoigneur: En 2014, il y avait 450 bourses qui avaient été allouées et 27 à l'étranger. Peut-on savoir de juillet 2017 à ce jour combien de bourses ont été allouées?

Mr Toussaint: Je n'ai pas ce renseignement spécifique avec moi, Madame la présidente.

Madam Speaker: Hon. Leopold!

Mr Leopold: Can I know from the hon. Minister how many Rodriguan beneficiaries are involved with such facilities from the Trust Fund for Excellence in Sports?

Mr Toussaint: Madam Speaker, actually we have 10 athletes from Rodrigues - Rodriguan origin - who benefit from the Trust Fund, and the Officer-in-Charge for the Trust Fund in Rodrigues is Mr Elvino Pierre Louis.

Madam Speaker: Next question, hon. Quirin!

MAURITIUS SPORTS COUNCIL - SPORTS INFRASTRUCTURE - CLEANING

(No. B/146) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the sports infrastructures managed by the Mauritius Sports Council, he will, for the benefit of the House, obtain from the Council, information as to if a cleaning team is attached to each one of them and, if not, why not.

Mr Toussaint: Madam Speaker, the sports infrastructures, managed by the Mauritius Sports Council (MSC), are maintained by cleaning teams composed of caretakers, handy workers, general workers, attendants, under the supervision of field supervisors and maintenance assistants. The cleaning teams are composed of both staff of the MSC and my Ministry.

I am tabling a list of the sports infrastructures, along with the labour force allocated.

Madam Speaker: Hon. Quirin !

Mr Quirin: Madame la présidente, l'honorable ministre est-il au courant de l'insalubrité dans laquelle se trouvent pratiquement toutes les infrastructures sportives, les stades de football en particulier et j'aimerais qu'il nous dise s'il a pu faire un constat ? Comme il nous a dit lui-même ce matin, il rend régulièrement visite aux athlètes et il va aux activités.

Mr Toussaint: Tout à fait, Madame la présidente. Récemment, il y avait un problème au Stade George V à Curepipe où nous avons un gros souci de pigeons. Donc, j'y ai fait une visite et j'ai pris les actions nécessaires pour que le nettoyage se fasse. Il faut savoir qu'avec l'arrivée des Jeux des îles, il y a une liste d'infrastructures qui seront très bientôt rénovées et, bien sûr, nous allons veiller à ce que la maintenance aussi se fasse.

Mr Quirin: Je comprends que l'honorable ministre a pu constater ce qui se passe au Stade George V, mais il n'y a pas que le Stade George V, il y a aussi les autres stades, tels que Anjalay, Bambous, etc. ou moi-même j'ai fait le constat comme l'honorable ministre, c'est extrêmement sale. Je ne parle pas de la peinture qui est une vieille peinture, qui n'a pas été rénovée depuis pas mal de temps, mais de l'état des sièges. Comment peut-on demander aux spectateurs de venir aux stades quand les sièges sont sales ? Moi, personnellement, je n'ai même pas pu m'asseoir sur ce siège, j'ai dû rester debout pour suivre un match.

Mr Toussaint: Madame la présidente, l'honorable membre a cité deux stades, Anjalay et Germain Comarmond et à la suite de ce qu'il dit, bien sûr, je vais faire vérifier et on va prendre les actions nécessaires.

Madam Speaker: Next question, hon. Quirin!

OMBUDSPERSON FOR SPORTS – CASES LODGED

(No. B/147) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Ombudsperson for Sports, he will, for the benefit of the House, obtain therefrom, information as to the outcome of the cases –

- (a) pending as at April 2017, and
- (b) lodged thereat since April 2017 to date.

Mr Toussaint: Madam Speaker, I am informed by the Ombudsperson for Sports that there are no cases pending as at April 2017.

I am tabling the list of cases referred to the Ombudsperson for Sports for the period April 2017 to date and their status.

Madam Speaker: Hon. Quirin !

Mr Quirin: Madame la présidente, des cas qui ont été logés depuis avril 2017, combien sont toujours en suspens?

Mr Toussaint: Tout est disponible dans la liste. Malheureusement, je n'aurai pas le temps d'aller compter un par un, mais tous les renseignements sont disponibles dans la liste.

Mr Quirin: Madame la présidente, le ministère des Sports avait lancé un appel à candidature pour le poste d'*Ombudsperson for Sports* récemment. Peut-on savoir ce qu'il est advenu justement de cet exercice?

Mr Toussaint: Madame la présidente, la personne qui était l'*Ombudsperson* a été reconduite à ce poste.

Mr Quirin: Madame la présidente, doit-on comprendre que Mons. Ramesh Sunt est toujours l'*Ombudsperson for Sports* ?

Mr Toussaint: Tout à fait, Madame la présidente.

Madam Speaker: Next question, hon. Quirin!

LOCAL AUTHORITIES - FINANCIAL CONTROLLER - - VACANCIES

(No. B/148) **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 post of Financial Controller in the local authorities, she will, for the benefit of the House, obtain from each local authority, information as to the number of existing vacancies therefor as at December 2017, indicating if same have been filled and, if not, why not.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): Madam Speaker, with regard to the post of Financial Controller in the local authorities, I am informed that all vacancies have been reported to the Local Government Service Commission as at December 2017. The vacancies are at the following District Councils –

- (a) Moka;
- (b) Grand-Port;
- (c) Black River, and
- (d) Flacq.

The four vacancies have not yet been filled. In fact, I am informed that the vacancies were advertised by the Local Government Service Commission on 05 September 2017, amongst serving officers of the grade of Principal Accountant, as per the Scheme of Service for the post of Financial Controller.

However, all local authorities were informed by the Commission on 15 December 2017, that following the said advertisement no suitable candidates were found among the serving officers for appointment as Financial Controller.

In the absence of suitable candidates among the serving officers, I am informed that the Local Government Service Commission has, in view of the powers vested in it under Section 4 (1) (a) of the Local Government Service Commission Act of 1975, decided to re-advertise the post of Financial Controller and open it to the general public.

The post of Financial Controller was re-advertised on 04 January 2018. The filling of the four vacancies is still at the level of the Local Government Service Commission.

With regard to the last part of the question as to why these vacancies have not been filled, I wish to point out that the power of appointment, promotion rest with the Local Government Service Commission which is an independent body.

Mr Quirin: *Independent Body*, Madame la présidente, mais peut-on savoir qu'elles sont les raisons qui ont été évoquées par le *Local Government Service Commission* pour ne pas permettre - parce que j'ai, en ma possession, une lettre adressée par le président du syndicat de *Local Authorities Workers Union* au Premier ministre en janvier de cette année où il conteste justement - je ne sais pas si vous avez pris possession, je vais vous remettre la copie - la décision du *Local Government Service Commission* de ne pas permettre au moins à trois candidats qui ont été à l'entretien par le *Local Government Service Commission* ? Ces trois candidats ont entre 7 et 9 ans d'expérience comme *Principal Accountants*, ils ont agi comme *Acting Financial Controller* dans leur collectivité locale respective et comment peut-on venir dire que ces personnes ne sont pas qualifiées pour être promues comme *Financial Controller* ? Je ne comprends pas!

Mrs Jeewa-Daureeawoo: I understand the point of the hon. Member, but it does not depend upon my Ministry; it is an independent body.

Mr Quirin: C'est incompréhensible, Madame la présidente, dans la mesure où maintenant...

Madam Speaker: Hon. Quirin, please allow me just to make a clarification on that matter. The LGSC is an independent body and this is what the hon. Vice-Prime Minister has said, that it is an independent body and she cannot reply on behalf of that independent body! Next question, hon. Uteem! Hon. Member you had a question? I will allow you that question!

Mr Abbas Mamode: Yes, I did not hear the hon. Vice-Prime Minister talk about the City Council of Port Louis. It is a local authority and in the City of Port Louis there is neither a Financial Controller nor a Principal Accountant. So, I will urge the hon. Vice-Prime Minister to see - the City Council is one of the biggest local authorities in Mauritius - so, will the hon. Vice-Prime Minister talk to the Local Government Commission to see to it that this vacancy is filled in Port Louis?

Mrs Jeewa-Daureeawoo: Well, hon. Member, you have to come with a specific question.

Madam Speaker: Hon. Abbas Mamode, I have just said that the LGSC is an independent body. You can't ask the hon. Vice-Prime Minister to reply for that body! Yes!

Mr Quirin: L'honorable Vice-Premier ministre vient de nous dire qu'il y a eu un appel à candidature par la *Local Government Service Commission*, appel à candidature ouvert au public. Cet appel à candidature fut lancé le 15 décembre 2017, pratiquement 4 mois après, peut-on savoir ce qu'il en est ?

Mrs Jeewa-Daureeawoo: Well, I don't have the information. The post of Financial Controller was re-advertised on 04 January 2018 and I understand that the closing date for the submission of application was in January 2018.

(Interruptions)

This is all the information that has been given to me.

(Interruptions)

Madam Speaker: Next question, hon. Uteem!

CWA - NON-REVENUE WATER

(No. B/149) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the water sector reform, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the current percentage of non-revenue water.

The Deputy Prime Minister: Madam Speaker, Non-Revenue Water (NRW) consists of physical losses in the pipe network and commercial losses resulting from inaccurate meter readings and water pilferage.

Since 1999, at least four studies have been carried out on the water sector with focus reduction on Non-Revenue Water. However, none of the studies has been able to establish the exact NRW level, due to lack of baseline data. And no action was ever taken following the issue of the report on these studies which were left to rest.

In September 2004, the International Finance Corporation was appointed to advise on private sector participation in the water sector. It estimated that the level of NRW was at around 55%. 40% of the losses were attributed to physical losses and 15% to commercial losses.

Between 2004 and 2006, Severn Trent carried out a study and reported that it had not been able to identify any recognisable audit trail or validation process applied to the data

gathered for Non-Revenue Water purposes. It assessed the level of Non-Revenue Water to be 46%, of which 16% was attributed to commercial losses and 84% to physical losses.

In May 2011, the then Government appointed Singapore Public Utilities Board in collaboration with CH2M Hill to develop an Integrated Water Management Framework. In their final report submitted in March 2012, the Consultants estimated that the Non-Revenue level was approximately 55%.

They implemented a project to reduce Non-Revenue Water in the Upper Mare aux Vacoas Supply Zone. Although an amount of Rs1 billion was spent on that project, no significant reduction was achieved.

In July 2017, the IFC and World Bank have carried out a due diligence and estimated that the level of Non-Revenue Water is currently around 60%, with 40% as physical losses and 20% as commercial losses.

The level of Non-Revenue Water is a major cause of water supply disruption and should be addressed as a priority. One of the main targets of the water sector reform initiated by this Government is to address the problem of Non-Revenue Water. Already over Rs5 billion is being invested in the replacement of old pipes.

I shall soon be making a formal proposal for a private sector operator to be appointed on a 15 year affermage contract. His role will be to operate and maintain the water distribution network. One of the key indicators of the private sector operator will be the reduction of Non-Revenue Water from 60% to 43% within 10 years and 37% within 15 years.

Mr Uteem: Madam Speaker, in the statement given to this House on 04 July 2017, last year, the hon. Deputy Prime Minister said, and I quote that –

“(...) increasing water losses in the network, reaching about 60%, (...)”

As he has just repeated! So, may I know from the hon. Deputy Prime Minister since he has assumed office in 2015 till now, three years later, how much money has this Government and CWA spent on replacing pipes and reducing Non-Revenue Water and, as at to date, how effective have these measures been?

The Deputy Prime Minister: The two are linked, obviously. If the hon. Member asks me the exact figures, I don't know them now. The hon. Member will need to come with a precise question so that I can dig up my figures. I know the figure that I have given is Rs5

billion, but all these are estimates. I have given 60% of Non-Revenue Water, this is also an estimate.

I agree that we are still losing a lot of water and we are not getting the revenue. So, there is absolutely no debate about the effectiveness of the programme. This is why we have sought the assistance of the World Bank and of the IFC as has been done since 2000. Now, the difference is that we are going to act on the reports. We are going to make the reforms in order to have effective reduction in water losses. We hope it is going to be successful.

Mr Uteem: The hon. Deputy Prime Minister mentioned the contract with the Singapore Consortium of Consultants and he mentioned that there was an amount of Rs1 billion earmarked for replacement. In the Annual Report of the CWA for 2015, because that is the latest Annual Report that is public, it is stated that only Rs240 m. out of this Rs1 billion had been disbursed to replace pipes. So, may I know from the hon. Deputy Prime Minister whether since 2015 to date, out of this Rs1 billion, has all the Rs1 billion been used or only these Rs240 m.?

The Deputy Prime Minister: Obviously, I would need to go and check my books and my records before. I will have to check all that. Come with a question!

Madam Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Madam Speaker, we have seen in the past months an acceleration in the programme of the CWA concerning the replacement of pipes, especially in the region of Plaines Wilhems. Can I know from the hon. Deputy Prime Minister whether there is a mapping of the whole network of the CWA, especially in rural areas where everyday we hear people crying, having water problems, and reassure the Opposition that works are not being carried out only in Plaines Wilhems and that there is scope for other regions, and their respective timetables?

The Deputy Prime Minister: First of all, there has not been any acceleration. The pace is exactly the same as it was when we started. Secondly, I am so sorry to have to say this. Twice I have tabled a map of the network, and it is on the website for everybody to see.

(Interruptions)

Yes, it is! It was put on a PowerPoint presentation, where you have all the works that are being done. Please, just type tonight. I know, perhaps the hon. Member does not know how to do it. He can ask his daughter to do it.

(Interruptions)

Wait a minute. He just types on his computer 'CWA website' and he will see that there is a map showing everywhere where it has been done.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: In his last statement last year, in the mega statement the hon. Deputy Prime Minister made last year concerning the project of privatisation, he said that the bidding documents would be ready by the end of last year. Can the hon. Deputy Prime Minister inform the House where do matters stand as regards the recruitment of this private sector operator?

The Deputy Prime Minister: I do not think I said the document would be ready last year. No, we are not late in the timeline. And if we are late, it is only a question of days or weeks. The documents are under finalisation. They will be ready very soon. A team of the World Bank and of the IFC were there for discussions with us, and we are discussing several terms before we can come out public with this. Let me say I am determined to do something about it. The pace must go at the pace it is, because we have to make sure that we comply with all the requirements. In June, we shall probably have a request for quotation just to know what is the state of the international market, and then it will continue as planned.

Madam Speaker: Last question, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Deputy Prime Minister again talked about the privatisation of the water supply. But will he not agree that the problem is not with privatising the management of water supply? The problem is that, for years and years, CWA, despite having all the money, all the fundings, has not been able to reduce the non-water revenue.

The Deputy Prime Minister: Well, exactly. We seem to agree and we seem to give the impression that we disagree. We know that in order to manage all this, since 1999, all governments have been coming up with this solution, but nobody else has ever dared to do it. Because each time, there is a stumbling block, there are lots of accusations, lots of suggestions and innuendoes. I am going to do it. It is so simple. I am determined to do it. I will do it.

Madam Speaker: Next question, hon. Uteem!

MAURITIUS BUSINESS GROWTH SCHEME - BENEFICIARIES

(No. B/150) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the Mauritius Business Growth Scheme, he will state the aggregate amount of funds disbursed thereunder, as at to date, indicating the amount thereof recovered from the beneficiaries thereof.

Mr Bholah: Madam Speaker, I am informed that the Mauritius Business Growth Scheme (MBGS) was introduced in October 2010 with the objective of facilitating growth in private sector activity by supporting enterprise productivity, specifically in areas of skills and training, technology upgrading, innovation, quality standards and marketing constraints facing enterprises.

Under the MBGS, three Schemes were launched: the 50:50 Matching Grant Scheme, the 90-10 Payback Technical Assistance Scheme, and the Start-Ups Entrepreneurship Scheme.

The 50:50 Matching Grant Scheme was launched in October 2010 to provide financial support to SMEs, and it was phased out in July 2011. It was a non-refundable grant.

The 90-10 Payback Technical Assistance Scheme was introduced in October 2010 and stopped in October 2015. It was a business growth scheme enabling Mauritian enterprises to bring in outside technical expertise in order to grow their business and become more 'globally competitive'.

Under this Scheme, 90% of the cost of the project was borne by Government up to a maximum of Rs3 m. and the remaining 10% by the eligible enterprise. The loan was granted to the enterprise without collateral and with a moratorium of three years, and repayment, as from the fourth year, was based on a 'royalty-on- incremental-sales' basis, up to a maximum amount not exceeding 1.8 times of the loan.

The Start-Ups Entrepreneurship Scheme is another scheme which was launched in March 2012 and stopped in October 2015. It aimed at fostering a spirit of innovative and creative entrepreneurship among Start-ups. The key overall objective of the Scheme was to pay a monthly 'salary replacement allowance' of Rs20,000 for a maximum period of one year to creative entrepreneurs who might not otherwise have the necessary income to jump into starting an innovating company. The Scheme was operated on the same principle as the 90-10

Payback Scheme, but with the only difference that the loan granted was repayable after a moratorium period of two years and 1.2 times the amount dispersed.

Madam Speaker, since the operation of the MBGS Schemes, a number of 262 applications have been approved and the aggregate amount disbursed in respect thereof is Rs170.3 m., detailed as follows -

- Rs13.7 m. for 24 applications approved under the 50:50 Matching Grant Scheme;
- Rs144.7 m. for 185 applications approved under the 90-10 Payback Scheme, and
- Rs11.8 m. for 53 applications approved under the Start-ups Entrepreneurship Scheme.

And so far, out of a total amount of Rs60.5 m. claimed to 117 beneficiaries, the aggregate amount recovered from a number of 84 beneficiaries is Rs33.5 m., detailed as follows -

- Rs32.1 m. under the 90-10 Payback Scheme, and
- Rs1.4 m. under the Start-ups Entrepreneurship Scheme.

The hon. Member may wish to know that repayment of loan is calculated at the rate of 11% of incremental sales per year and the repayment period lasts up to a maximum period of 10 years, including a 3-year moratorium. A dedicated cell has been set up at SME Mauritius to monitor closely the timely repayment of the loan from beneficiaries. All repayments received are credited to the MBGS account at the DBM.

Madam Speaker: Hon. Uteem!

Mr Uteem: Madam Speaker, last year, the Director of Audit was extremely critical of the lack of mechanism and lack of effort by the Ministry concerned to recover the money. And it would seem by the figures that he has just given to me, that those criticisms, once again, have fallen unto deaf ears. There is hardly any progress. So, may I know from the hon. Minister why has not there been any meaningful recovery of the amount outstanding?

Mr Bholah: Madam Speaker, I will tend to concur with the hon. Minister because when the MBGS Schemes were introduced, back in 2010, the objective was to avoid closes of businesses *et par conséquent* to avoid job losses as well. But with hindsight, we see that there are a lot of loopholes in the Schemes. For example, there are no collaterals that were imposed on companies; repayment was based on turnover growth, irrespective of profit or cash growth; new leverages were to obtain financials from companies. It is only when

companies submit their financial statements that we can access the incremental sales and then apply the 11%. So, there were a lot of loopholes in the Scheme.

Mr Uteem: Is the hon. Minister aware that there have been consultants who have been advising beneficiaries of the MBGS to find ways and means to show that there was no improvement in their turnover so that they do not have to repay under the 90-10 loan and under the royalties? Is he aware of allegations that there are specialised accounting firms which have been involved in this work?

Mr Bholah: I am not aware of this particularly, but I may imagine that beneficiaries have taken advantage of the loopholes, as I have just mentioned, in order not to repay. This is evident.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Thank you very much, Madam Speaker. As the hon. Minister has stated, this was a project which was initiated by World Bank with the objective of encouraging business to grow. Now, can I ask the hon. Minister whether one of the reasons why this failed was because our consultants did not have the level of preparedness to turn companies around?

Mr Bholah: No, I take it that because of the loopholes that were inherent in the schemes and beneficiaries took advantage of those loopholes.

Madam Speaker: Hon. Uteem, last question!

Dr. Boolell: There have been criticisms in respect of some of the consultants...

Madam Speaker: Can you allow hon. Uteem and then I will come back to you?

Dr. Boolell: Sure!

Mr Uteem: Will the hon. Minister confirm whether one of the people who was responsible as Monitoring and Evaluation Coordinator to follow progress on recovery of loan and royalties from clients is one Mr Raj Padou, who, instead of being sanctioned for his inability to recover this money, has been promoted to CEO of the now SME Mauritius?

Mr Bholah: Madam Speaker, he has not been promoted, he has gone through a selection exercise, but let me come back to the Evaluation and Monitoring Committee. This is another loophole. When the MBGS was set up back in 2010, the Evaluation and Monitoring Committee was set up only in 2015, that is, five years later. This is one of the major loopholes again.

Madam Speaker: Hon. Dr. Boolell, last question!

Dr. Boolell: As I have said, the level of preparedness of the consultants was poor, because when you look at the incidence in respect of the number of companies which had low turnover, the figure speaks for itself, more than 100 companies. Somewhere, somehow, somebody has not lived up to the expectation of the scheme!

Mr Bholah: Well, I cannot comment on the performance of the consultants.

Madam Speaker: Hon. Uteem, next question!

BOURSE AFRICA LIMITED - LICENCES

(No. B/151) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to the Bourse Africa Limited, formerly known as Global Board of Trade Ltd. and its affiliates, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to if they are operating in Mauritius and if so, indicate the licences that they currently hold to operate in Mauritius.

Mr Sesungkur: Madam Speaker, I am informed by the Financial Services Commission that Bourse Africa Limited, formerly known as Global Board of Trade Ltd. (GBOT) was issued with a Securities Exchange Licence on 20 February 2008 to operate a Commodity Exchange in Mauritius.

On 14 February 2013, Bourse Africa Limited incorporated a wholly-owned subsidiary, the Bourse Africa Clear Limited, which was issued a Clearing and Settlement Facility Licence by the Financial Services Commission on 01 July 2013.

Madam Speaker, I am further informed that Bourse Africa Limited and Bourse Africa Clear Limited were held by 63 Moons Technologies Ltd (India), formerly known as the Financial Technologies (India) Ltd.

In March 2014, on the basis of the order from the Forward Market Commission in India and the Securities Exchange Board of India, the Financial Technologies (India) Ltd was considered as not a 'fit and proper person'. Subsequently, the FSC issued a Direction to Financial Technologies (India) Ltd to disinvest its stakes in Bourse Africa Limited and Bourse Africa Clear Limited.

I am advised, Madam Speaker, that on 24 January 2018, Bourse Africa Limited and Bourse Africa Clear Limited surrendered their respective licence to operate in Mauritius.

Accordingly, the Financial Services Commission has terminated their licence with effect from that same date.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister just mentioned that as far back as 2014, the FSC knew that this company was not fit and proper. Is the hon. Minister aware that in 2016, the promoter of this company, Mr Jignesh Shah, was arrested not once, but twice, once for money-laundering offence and the second time for prevention of corruption and still the FSC did not take any action against him?

Mr Sesungkur: Yes, I think the hon. Member is right that Mr Jignesh Shah was implicated in an international scam. But I think the FSC had to follow the process before it could take action. So, firstly, there should have been the investigation in India and afterwards when SABE informed that Financial Technologies was not fit and proper, it is only then that the FSC could take action in Mauritius.

Mr Uteem: Madam Speaker, we have heard Alvaro Sobrinho, we are hearing Jean-Claude Bastos de Morais, now Jignesh Shah, wouldn't the hon. Minister agree with me that the Financial Services Commission is creating a lot of harm to the reputation of Mauritius by not taking any sanction against promoters who are dubious and who do not pass the Fit and Proper Person Test?

Mr Sesungkur: Unfortunately, Madam Speaker, this is *un lourd héritage*. We are trying to put order in the house. And I hope that with the recruitment that we are doing right now, we will be able to consolidate the team, bring more professional people on board and consolidate the regulatory structure.

Dr. Boolell: Will the hon. Minister state that it is because he is so desperate that he is travelling to Rodrigues to enlist people from Rodrigues to come and invest in the sector?

Mr Sesungkur: I need not answer to this.

Madam Speaker: Hon. Uteem!

Mr Uteem: Madam Speaker, it is all too easy for the hon. Minister to talk about *un lourd heritage* when all that we have talked about, whether it is Sobrinho, whether it is Quantum Global, whether it is Jignesh Shah, happened under this Government! So, I ask the hon. Minister, is he going to carry out an in-depth investigation at what goes on in FSC and why do the FSC tolerate all these dubious people to come and be licenced in Mauritius?

Mr Sesungkur: Yes, I think the hon. Member is right and I am going to take on board his suggestion. In fact, I met the Internal Audit Team yesterday and I asked them to go deeper into all these licensees.

(Interruptions)

The work is being done, but as you will imagine, Madam Speaker, all these cases date back prior to my arrival and prior to this Government taking office.

Madam Speaker: Hon. Bhagwan, next question!

PLANTERS (SMALL) – RAINFALL - CROP LOSSES

(No. B/152) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Agro-Industry and Food Security whether, in regard to the community of planters, he will state if consideration will be given for the taking of additional measures to alleviate the hardships thereof, following the persistent adverse climatic conditions that are severely affecting the crops island-wide.

Mr Seeruttun: Madam Speaker, the House is well aware of the occurrence of unprecedented continuous heavy rainfall events since 02 January 2018 together with cyclone Berguitta which struck Mauritius from 17 to 18 January 2018 and this has had drastic negative impacts in several sectors of our economy, including the agricultural sector. Heavy rainfall has since then continued prevailing over the island up to now.

The small planter community being economically more vulnerable had incurred crop losses up to 75% depending on the type of crops, crop stage reached, region and topography of the land.

In this connection, in view of assisting planters to restart their crop production at the earliest, the Government decided to provide support to small planters whose crops were damaged and who were registered with the Small Farmers Welfare Fund before 17 January 2018 and holding a valid Small Farmers Welfare Fund Card. These measures were unique in terms of support provided by any Government.

An initial exercise indicated that the damage caused extended was over 4000 arpents. A registration exercise was initiated to enlist the affected growers and the acreage concerned. After completion of the registration exercise, the total affected area was found to be 5600 *arpents* and 3157 planters were concerned.

The relief measures offered by the Ministry include –

- (i) a cash compensation of Rs3500 per *arpent* for a maximum of five *arpents* per planter, and as at date payment has been effected to some 2004 planters for an amount of Rs13,628,860;
- (ii) planters certified by FAREI engaged in bio farming/organic farming/smart agriculture were provided with compost free of charge;
- (iii) free seed distribution for a variety of 20 types of vegetable seeds, including carrot, cabbage, tomato, beans, squash, cucumber, pumpkin, lettuce and coriander, amongst others, for a value of Rs5 m. was effected;
- (iv) three bags of 25 kg each of fertiliser per *arpent* up to a maximum of 5 *arpents* were given free of charge. A total of 15,811 bags for a value of Rs8.1 m. have been distributed;
- (v) in addition, technical support to the community of planters in view of field rehabilitation is being involved and provided for;
- (vi) assistance is being provided to sugarcane farmers whose plant canes were affected by soil erosion and water logging essentially through re-furrowing of the land and supply of planting of the areas affected;
- (vii) field roads which have been damaged initially identified as some 30 km, have now increased to 40 km. Additionally, 27 drains would be reinstated and 29 culverts installed to ease the flow of water during rainy spells.

The Ministry of Finance and Economic Development has also made provision for a special loan through the Development Bank of Mauritius to assist vegetable, sugarcane, fruit, flower and hydroponic growers affected by the adverse climatic conditions. Loan facilities at a concessionary interest rate of 3% per annum are being provided -

- (a) sugarcane planters can benefit from a loan of Rs10,000 per *arpent* up to a maximum of Rs100,000;
- (b) for growers engaged in vegetables and fruits, the loan is Rs35,000 up to a maximum of Rs100,000;
- (c) planters engaged in the production of vegetables using hydroponic system benefit a loan of Rs75,000 per unit;

- (d) as at March 2018, 532 vegetable planters, 29 sugarcane cultivators, 67 hydroponic growers have applied for a total sum of Rs50 m. Loan facilities amounting to Rs36 m. have already been disbursed by the DBM as at date.

Madam Speaker: Hon. Minister, can I just interrupt you, to tell you that you have already taken 5 minutes for your reply. For how long do you have? If your reply is long, I would ask you to circulate your reply. I have observed that all replies by Ministers today have been unduly long and I will once more make an appeal to those who draft the replies to be brief, to be concise and to be direct.

(Interruptions)

Now, if you have for five more minutes, I won't be able to allow you.

Mr Seeruttun: I have got 2 more minutes, Madam Speaker.

Madam Speaker: Then, you would please circulate. If you have for one minute, I can allow you, but if for five more minutes...

(Interruptions)

I will allow you one more minute.

Mr Seeruttun: Madam Speaker, we are talking about measures being granted to small planters which are, I believe, very important, but if you want me to circulate it, I will circulate it. You will agree with me, Madam Speaker, this is a sector which is very vulnerable and we are doing our best to support them as long as we can.

Mr Bhagwan: We agree that there have been measures taken by the Minister, but can I ask him about small sugarcane planters? The Minister made some statements just after the heavy rains that he was going to distribute fertilisers. So, can we know where matters stand concerning the small sugarcane planters, concerning their promise to give fertilisers?

Mr Seeruttun: With regard to the sugarcane growers, Madam Speaker, it has been claimed that some of them who have applied for fertilisers just before the heavy rains, they have suffered soil erosion and they wanted to be compensated for their losses. So, I have asked to carry out an exercise to know who are those who have applied those fertilisers in their fields prior to the heavy rains, so that we will be in a better position to assess their claim and to provide them with any support. But, again, you will understand that we are talking about public money, we have to make sure that those who claimed for their losses are really genuine growers.

Madam Speaker: Yes.

Mr Bhagwan: I have two very rapid supplementary questions, Madam Speaker. Has the hon. Minister been made aware from his officers that he has received a request at the Ministry for the removal of VAT on selected fungicides for the potato and onion productions? Has he received such a request from the planters, for removal of VAT on certain pesticides?

Mr Seeruttun: Madam Speaker, coming up of the budget very soon, we have been receiving a number of requests from different groups of growers among others with regard to this VAT exemption we have, I can indeed confirm that we have received such requests and we are looking at all those requests in the context of the forthcoming budget whether these are going to be entertained or not.

Madam Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Following the heavy rains, the Government took the decision to allow the import of vegetables from South Africa or elsewhere. Can the hon. Minister inform the House whether he has received representations; there have been a lot of *maldonnes*, *magouilles* at the level of the allocation of contracts to certain people for the imports of carrots, *choux-fleurs*, etc., instead of those who were on the list, other people have got it? Can I know whether he is aware of that? This rumour is being circulated. There have been petitions. He can make a statement, even later on, on this whole issue of imports of vegetables.

Madam Speaker: Hon. Bhagwan, I am sorry, this does not come from the main question, because this question relates to the community of planters and to alleviate their hardship. So, I don't think I will allow this question. Hon. Ms Sewocksingh!

Ms Sewocksingh: Thank you, Madam Speaker. Will the hon. Minister inform the House if there has been any request from cooperatives or land lessees through the Small Farmers Welfare Fund for them to be exempted from rents of State land for the two years 2017/2018 due to the prevailing weather conditions and, if so, where do matters stand?

Madam Speaker: Now, this question also does not come from the main question. It's not! Is the question of the hon. Member related to alleviating the hardship of the Community of planters?

Ms Sewocksingh: I want to know if he is aware; I am sure he is not.

(Interruptions)

Madam Speaker: Hon. Ms Sewocksingh, you cannot say that he is not aware. Hon. Ms Sewocksingh!

(Interruptions)

Hon. Ms Sewocksingh, please, you can't say that he is not aware. I intervene. If the Minister wants to reply, he may reply.

(Interruptions)

Please!

Mr Seeruttun: Madam Speaker, again, I am saying that we have been receiving lots of requests from the growers with regard to the losses they have incurred. As I said, we have taken some of them on board. That is why we have come up with a series of supporting measures to alleviate their problems and to help them to restart their planting activities the soonest. So, we have taken, as I said, a series of measures that I have just listed.

(Interruptions)

With regard to this one, I haven't.

Madam Speaker: Last question, hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, since the measures announced by the hon. Minister have hardly relieved the planters from their hardship, can I press upon him to recast incentives, to come with new incentives, and to write off arrears that planters owe to DBM? I think this is one of the measures that Government can take to alleviate the planters, if he is very concerned of the welfare of planters. I invite Government to write off the loans that planters have taken from DBM.

Mr Seeruttun: Madam Speaker, we are talking about writing off previous loans. I have asked the DBM to reschedule their previous loans to alleviate their financial burden, to be able to come up with some schemes so that they do not feel penalised with the conditions prevailing at the moment.

Madam Speaker: The Table has been informed that the following questions have been withdrawn: B/164, B/172, B/173, B/174, B/175, B/179, B/180, B/181.

MOTOR CYCLE - DRIVING LICENCE - PAYMENT

(No. B/164) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime and Port Louis East) asked the Minister of Public Infrastructure and Land Transport whether, in regard to motor cycle, he will state the procedure and mode of payment to obtain a valid driving licence therefor.

(Withdrawn)

MR A. S. - COMMISSION OF INQUIRY - POSTERS

(No. B/168) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if posters which had been posted island-wise purporting to request the setting up of a Commission of Inquiry with wide terms of reference on Mr A. S. have been torn by Police Officers and, if so, indicate the reasons therefor.

(Withdrawn)

**SCHOOL NET II PROJECT - DATA COMMUNICATIONS LIMITED -
PAYMENT**

(No. B/172) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Technology, Communication and Innovation whether, in regard to the School Net II Project, he will state the circumstances in which payment of Rs45.4 m. was effected to Data Communications Limited for phases 2 and 3 thereof in June 2017, prior to full commissioning and contrary to the financial management manual, as observed by the Director of Audit.

(Withdrawn)

**EQUAL OPPORTUNITIES COMMISSION - TAXI LICENCES –
RECOMMENDATIONS**

(No. B/173) Mr D. Ramful (Third Member for Mahebourg and Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the procedure for the grant of taxi licences and other public service licences, he will state if the recommendations of the Equal Opportunities Commission made in 2014 have been implemented with a view to rendering the procedure more transparent.

(Withdrawn)

MV ANNA VESSEL – CHARTERING – AMOUNT PAID

(No. B/174) Mr D. Ramful (Third Member for Mahebourg and Plaine Magnien) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the chartering of vessel MV ANNA, he will, for the benefit of the House, obtain from the Mauritius Shipping Corporation Ltd., information as to the –

(a) total amount that has been paid therefor, as at to date, and

(b) reasons for the delay in the acquisition of a vessel.

(Withdrawn)

FISH FARMING ZONES & BARACHOIS - ALLOCATION

(No. B/175) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)

asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the allocation of Large Scale Fish Farming Zones and Barachois, he will state if Expressions of Interests were launched prior to the allocation thereof and, if not, why not, indicating, in the case of the allocation of Barachois if an agreement or Memorandum of Understanding is entered into with the promoter thereof setting out clearly the terms and conditions thereof.

(Withdrawn)

CALODYNE - MEDICAL WASTE - DUMPING

(No. B/179) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West)

asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the reported case of medical waste dumped at Calodyne, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the inquiry carried out thereinto has been completed, and, if so, indicate the outcome thereof

(Withdrawn)

FISHING BOATS - REGISTRATION

(No. B/180) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West)

asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the fishing boats, he will state the relevant authority responsible for the registration thereof for artisanal fishers, indicating if a non-registered fisher may register his/her boat for artisanal fishing and, if not, why not.

(Withdrawn)

BOATS - REGISTRATION

(No. B/181) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West)

asked the Minister of Tourism whether, in regard to the registration of boats at the Tourism Authority, he will, for the benefit of the House, obtain from the Authority, information as to –

(a) the type of boats concerned therewith, indicating the –

- (i) criteria set out for obtaining registration for each category, and
 - (ii) conditions attached thereto, and
- (b) if the transfer from one category to another is being authorized.

(Withdrawn)

GOVERNMENT SETTLEMENT– COMPENSATION - BENEFICIARIES

(No. B/183) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to cases against Government, he will state the names of the beneficiaries who have obtained compensation from out of Government settlement over the past three years.

(Withdrawn)

AGRICULTURAL LAND – CONVERSION – GOLF COURSE

(No. B/185) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Agro-Industry and Food Security whether, in regard to agricultural land, he will state if application for the conversion thereof has been submitted for the construction of nine hole Golf Course.

(Withdrawn)

COMMONWEALTH GAMES, AUSTRALIA - MR K. T - ALLEGED SEXUAL HARASSMENT

(No. B/188) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the allegations of sexual harassment made by athlete Miss J. R. against Mr K. T., Head of Mission of the Commonwealth Games in Australia, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto and, if so, indicate the outcome thereof.

(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.

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

Question put and agreed to.

STATEMENT BY MINISTER

(4.20 p.m.)

MR DAWOOD AJUM RAWAT AGAINST THE REPUBLIC OF MAURITIUS – ARBITRATION PROCEEDINGS

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Madam Speaker, with your permission, I propose to make a statement with regard to the arbitration proceedings lodged by Mr Dawood Ajum Rawat against the Republic of Mauritius.

On 08 June 2015, Mr Rawat sent a Notice of Dispute to the Republic of Mauritius through his legal representatives, Dr Andrea Pinna and Professor Xavier Boucobza. By letter dated 11 September 2015, through its appointed legal representatives Lalive SA, Mauritius informed Mr Rawat that it found no basis in the France-Mauritius Bilateral Investment Treaty (BIT) for his claims.

On 09 November 2015, Mr Rawat sent and Mauritius received the Notice of Arbitration and Settlement of Claim. In the Notice of Arbitration, Mr Rawat notified Mauritius of his appointment of Mr Jean-Christophe Honlet as the first arbitrator.

By letter dated 09 December 2015, Mauritius notified Mr Rawat of its appointment of Professor Vaughan Lowe QC as the second arbitrator.

By Mr Rawat's letter dated 06 May 2016 and Mauritius' letter dated 15 May 2016, both parties appointed Professor Lucy Reed as Presiding Arbitrator.

Mr Rawat pursued arbitration against the Republic of Mauritius to claim for alleged breaches of the Investment Promotion Treaty entered into on 22 March 1973 between the Republic of France and Mauritius. Mr Rawat brought the arbitration under the 1976 UNCITRAL Arbitration Rules through the Most Favoured Nation clause in the France-

Mauritius BIT and the arbitration clause in the 2007 Agreement between the Government of the Republic of Finland and the Government of the Republic of Mauritius on the Promotion and Protection of Investments.

Following its constitution, the Tribunal dealt with various preliminary issues, one of which being the issue of *prima facie* jurisdiction of the Tribunal in relation to the Most Favoured Nation provision of the France-Mauritius BIT.

Mauritius filed its Memorandum on Jurisdiction on 31 July 2017, together with 37 documentary exhibits and 54 legal authorities. Mr Rawat filed his Counter-Memorandum on Jurisdiction on 22 November 2017, together with three documentary exhibits and 65 legal authorities. On 18 December 2017, the cut-off date for submission of further documentary exhibits and/or legal authorities, Mr Rawat submitted one additional exhibit and Mauritius submitted nine additional legal authorities.

On 05 March 2018, the Tribunal requested statements of costs from each party by 19 March 2018, “including both their arbitration costs and their legal fees and expenses through the jurisdictional objection phase”.

The Tribunal conducted the hearing on jurisdiction on 16 January 2018 at Multiburo Opéra in Paris, following a ruling of the Tribunal to that effect.

In the course of the hearing, counsels for both parties made submissions on the jurisdiction issues in two rounds, the second round being in response to Tribunal questions. At the close of the hearing, counsel confirmed that neither party had any complaint or objection on the procedure or the process, or the neutrality and independence of the Tribunal.

The main question before the Tribunal was whether Mr Rawat qualifies as a French “*ressortissant*”, as understood under the BIT, and can, therefore, invoke the protections of the BIT against Mauritius.

On 06 April 2018, the Tribunal held as follows -

- (i) it accepted that Mr Rawat is a French national, and was a French national long before the dispute arose and he commenced the arbitration proceedings;
- (ii) if it had to determine Mr Rawat’s dominant and effective nationality, the basic facts of his connections to Mauritius readily show that he is dominantly and effectively Mauritian;

- (iii) by incorporating a mandatory reference to the ICSID Convention in the notion of “*ressortissant*” through Article 9 of the BIT, France and Mauritius have implicitly, but necessarily, excluded French-Mauritian dual nationals from the scope of application of the BIT;
- (iv) having found that the term “*ressortissant*” cannot encompass dual nationals when interpreted in the context of the France-Mauritius BIT, the BIT does not apply to Mr Rawat as a dual national of Mauritius and France. Mr Rawat is neither protected under Article 1(2) of the BIT nor under the BIT as a whole, and Mauritius has not consented in the BIT to arbitrate with him;
- (v) as a result, there was no need to advance to the second step and examine whether Mr Rawat may benefit from the Most Favoured Nation avenue in Article 9 of the France-Mauritius BIT;
- (vi) it upheld the Respondent’s preliminary objection to jurisdiction *ratione personae* and held that it had no jurisdiction to hear the claims made;
- (vii) each party is to bear one-half of the total of the arbitration costs of 300,000 euros, as confirmed by the PCA Secretariat, and its own legal fees and expenses through the interim measures phase;
- (viii) Mr Rawat is to bear one-third of Mauritius’ total fees and expenses for the jurisdictional objection phase, amounting to USD 111,697.00, and
- (ix) Mr Rawat is to pay Mauritius the said sum of USD 111,697.00 within 45 days of the date of the Award on Jurisdiction.

I thank you, Madam Speaker.

PUBLIC BILLS

First Reading

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

- (a) *The Reform Institutions (Amendment) Bill (No. III of 2018)*
- (b) *The Code de Commerce (Amendment) Bill (No. IV of 2018)*

Second Reading

THE JUDICIAL AND LEGAL PROVISIONS BILL

(NO. I OF 2018)

Order for Second Reading read.

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Madam Speaker, I move that the Judicial and Legal Provisions Bill (No. I of 2018) be read a second time.

Madam Speaker, the amendments being proposed are indeed long, in fact, very long-awaited. It is with a profound sense of duty that this Government is bringing this Bill to the House. Laws, Madam Speaker, are passed for the peace, order and good Government of Mauritius and there is nothing more important for peace, order and good Government than the administration of justice. This Bill provides for amendments to be brought to a number of existing enactments with a view to bringing improvements to the administration of justice in Mauritius.

Madam Speaker, at the outset, I wish to inform the House that I intend to move for certain amendments at Committee Stage. The proposed amendments have already been circulated and are intended to clarify certain provisions and address one or two procedural issues. I shall highlight those as and when I come to the relevant provisions.

Madam Speaker, I will go straight and address the main provisions of the Bill.

Clause 2 of the Bill provides for the Community Service Order Act to be amended in order to increase the amount of fine which may be converted into a community service order from Rs30,000 to Rs50,000. I wish to inform the House that this amendment has been proposed ever since 2012 by relevant stakeholders, including the Mauritius Magistrates' Association.

Clause 3 of the Bill provides for amendments to be brought to the Courts Act for the following purposes –

- (a) firstly, to introduce new sections 18D, 77 and 78 which confer statutory powers on the Supreme Court regarding contempt in the face of the Court, refusing to give evidence in Court and giving false evidence under oath. Although the Supreme Court has such powers under its inherent jurisdiction, it has been observed that whilst specific provisions of the law exist in relation to such offences committed before the Intermediate or District Court, there is no specific provisions as regards offences committed before the Supreme Court. The new sections, therefore, rectify this anomaly;
- (b) secondly, the proposed new section 77(1) of the Courts Act, at clause 3(a) of the Bill, aims at ensuring that witnesses in relation to a criminal case do attend

trial and give evidence, failing which they may face imprisonment for a period not exceeding 2 years and a fine not exceeding 100,000 rupees,

- (c) thirdly, the maximum fine that may be imposed on a person who wilfully insults a Magistrate or other officer, wilfully interrupts the proceedings of the Court or otherwise misbehaves in Court, is being increased from 100 rupees to 25,000 rupees (under section 127 of the Courts Act).

Madam Speaker, Section 128(2) of the Courts Act currently provides that any person who is served with a summons obtained at the Registry of the Intermediate Court or a District Court and refuses, *inter alia*, to give evidence shall be liable to a fine not exceeding Rs2,000 to be inflicted by the Court before which the default or refusal occurred. A disturbing trend has been observed in recent years, especially in drugs cases, whereby a witness, having incriminated a person in the statement he has given to the Police, later retracts in Court, giving a different version, or simply refuses to give any evidence.

Members of this august Assembly will no doubt be aware of the well-publicised case against one, Sada Curpen before the Intermediate Court (Reference 2011 Intermediate Court Number 19) where one witness Ms. Cindy Legallant contented herself with repeating *ad nauseam* "Je n'ai rien à dire" in response to questions from the prosecution. The case against the said Sada Curpen was dismissed as a result. The learned Magistrate of the Intermediate Court had no other alternative than to fine Ms. Legallant only Rs2,000, which is the maximum provided for under the law as it is. The learned Magistrate also observed the following in her judgment, and I quote –

"This court cannot but view this matter with much concern and tends to believe that this sort of conduct on the part of this witness verges on a mockery of justice either by making false allegations to the police or if the allegations were genuine ones by refusing to confirm them under oath in court. This is a serious matter which the court cannot take lightly in its overriding duty of dispensing justice. This sort of conduct is indeed a common occurrence in this court and it is high time that it should be discouraged and severely dealt with and in such manner as to deter potential offenders along those lines."

Madam Speaker, it is, therefore, proposed that the fine under section 128(2) of the Courts Act be increased to Rs100,000 and that the Magistrate be given the power to commit the witness to prison for a period not exceeding 2 years.

I shall now turn to clauses 4, 6 and 7 of the Bill whereby it is proposed to amend the Criminal Appeal Act, the Criminal Procedure Act and the District and Intermediate Courts (Criminal Jurisdiction) Act in order to provide that a person sentenced to a term of imprisonment or penal servitude shall at his trial or on appeal, subject to certain conditions, be given full credit for the time he has spent in custody by deducting that time from the term of imprisonment or penal servitude imposed.

Provision is also made under a proposed new section 135A in the Criminal Procedure Act for a convicted person who has, so far, not benefitted from full credit for the time he has spent in custody, to be able to petition the President under section 75 of the Constitution with a view to obtaining full credit for time spent in custody.

I draw the House's attention that it is proposed to bring an amendment to the proposed new section 135A at Committee Stage, whereby the words "an accused" are to be replaced by "a convicted person" and subsections (2) and (4) are to be deleted, and this in order to ensure alignment with section 75 of the Constitution.

Madam Speaker, I wish to inform the House that, on 05 February 2016, the Law Reform Commission, wrote to my office on the issue of time spent on remand pending trial or appeal, or both, to be taken into account by the trial Court at the time of sentencing or by the appellate Court. The Chief Executive of the Law Reform Commission informed the Attorney General's Office that at its 87th meeting of the Law Reform Commission on 27 January 2016, the Law Reform Commission took note that in the case of Kamasho against the State of Mauritius and the Commissioner of Prisons [the reference is 2016 Supreme Court Judgement Number 21], the full bench of the Supreme Court reiterated, in accordance with the decisions of the Judicial Committee of the Privy Council in the case of Callachand against the State of Mauritius [2008 UK Privy Council Number 49] and the case of Dookee against the State [2012 UK Privy Council Number 21], that the time spent in custody prior to sentence, by a person to whom bail has been refused, should be taken into account when assessing the length of the sentence that is to be served.

It is important that I quote here the words of the Supreme Court of Mauritius in the case of Kamasho, and I quote –

“This is an area of the law where the legislator should have intervened as far back as 2008 given the decision of the Judicial Committee in Callachand, to provide a statutory basis - as in the case in the United Kingdom - for the quantum of the credit to be given for time spent in custody...The legislator may wish to seek guidance from

section 67 of the Criminal Justice Act 1967 (which applies to offences committed before 04 April 2005) as well as sections 240 and 241 of the Criminal Justice Act 2003 (which apply to offences committed after 04 April 2005 and which in turn have been amended by section 108 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012).”

Madam Speaker, it is equally important that I quote what Justice Balancy stated in the case of *State v Mootien & Ors* [2009 SCJ 28] , I quote –

“I hold the view that a Judge in Mauritius cannot take judicial notice of the extent to which there are, or are not, significant differences between the conditions of prisoners held on remand and those serving sentences. It would be highly desirable, in my view, that this aspect of sentencing policy be the subject of a study and recommendations by the Law Reform Commission, leading to introduction of legislation in connection with that important aspect of sentencing affecting the right to liberty.”

Following that pronouncement, the Law Reform Commission reflected on the matter. On the basis of the sworn evidence of the Commissioner of Prisons in the case of *Callachand & Anor v the State* [2009 SCJ 59] to the effect that the conditions which apply to prisoners held on remand are not significantly less onerous than those which apply to those who have been sentenced, the Law Reform Commission took the view that time spent on remand should be taken into account, as indicated by their Lordships of the Judicial Committee, when assessing the length of sentence that is to be served from the date of sentencing.

Madam Speaker, my Office has given due consideration to the letter of the Law Reform Commission, its Report on “Bail & Other Related Issues” following the case of *Callachand*, the observations of the Judicial Committee of the Privy Council in the case of *Callachand*, as well as the observations of the full bench of the Supreme Court of Mauritius in the case of *Kamasho*. It is following an in-depth consideration of these that the proposed amendments to the Criminal Appeal Act, the Criminal Procedure Act and the District and Intermediate Courts (Criminal Jurisdiction) Act have been drafted and have been incorporated in the Bill. Moreover, in line with provisions prevailing in the United Kingdom and referred to in the judgment of *Kamasho*, the amendments also provide that entitlement to full credit is subject to certain requirements being satisfied, for example –

- (a) full credit shall apply in relation to only one sentence and only once in relation to that sentence;

- (b) any time spent in custody shall not qualify for credit where an accused was, during the same period, serving a custodial sentence in relation to another offence.

Madam Speaker, the proposed amendments further address the manner in which any time spent in custody pending the final determination of trial, appeal or review of sentence is to be dealt with where terms of imprisonment or penal servitude under different counts of an information are imposed and ordered to run concurrently or consecutively.

The House will appreciate that the proposed amendments will not only serve to uphold a fairer justice system but will also ensure that our Judiciary is not flooded with applications for review by persons who wish that time spent in custody pending trial, appeal or review be deducted from their sentence. These amendments also answer the call of the full bench of the Supreme Court for the legislator to intervene in this matter.

Madam Speaker, I shall now turn to Clause 5 of the Bill wherein the offences of outrage against the public and religious morality (section 206 of Criminal Code) and stirring up contempt or racial hatred (section 282 of Criminal Code) have been reviewed so as to criminalise such offences committed through electronic means, and to provide for stiffer penalties. I would here like to draw the House's attention to paragraphs (a) and (b) of the revised Committee Stage Amendments that have been circulated and which make it clear that offences committed through the Internet will also be captured.

Madam Speaker, our country is a unique country where our fellow citizens live in harmony with total respect for one another irrespective of race, colour or creed. Our country is a unique country where all the major religions of the world have coexisted and will continue to coexist in harmony. Unfortunately, Madam Speaker, in recent times, some unscrupulous individuals have attempted to disturb our racial harmony by posting up some incendiary comments of a racial nature on the Internet or on electronic media. This Clause, Madam Speaker, comes as a sharp reminder to all those unscrupulous individuals that such dangerous behaviour whether on the Internet, by electronic means or otherwise will be severely dealt with in our country.

Madam Speaker, under Clause 6 of the Bill, further amendments are brought to the Criminal Procedure Act, namely to –

- (a) firstly, increase the maximum fine which may be imposed under section 89(2) on any witness who is summoned to appear before the Supreme Court, and

who fails to appear, from 100 rupees to 100,000 rupees and to a term of imprisonment not exceeding 2 years;

- (b) secondly, introduce a new section 132A which makes explicit provision for the Court to carry out a hearing on sentence after convicting an accused. This has been added in view of several judgments quashed on appeal by the Supreme Court as a result of the trial Court failing to carry out an appropriate hearing on sentence. The House will note that the proposed new section 132A further provides that the Court shall also take into account such other factors as may be relevant, including the fact that the victim is an elderly person, a minor or a person with physical or mental impairment. This is in line with paragraph 21 of the Government Programme. The House will agree with the principle that sentencing is a matter best left to the discretion of the Court. This Bill is, therefore, providing for the appropriate legislative framework for the Court to exercise its discretion judiciously having regard to all the circumstances of a case including the factors related to the victim;
- (c) thirdly, we are increasing the time limit for payment of a fine under section 147 from 12 months to 2 years. I wish to point out that this proposed amendment follows recommendations received from stakeholders that an increase in the time limit for payment would cater, in particular, for cases where large fines are imposed. We are here talking of the time given for the payment of fines which are imposed by the Court which is actually up to a maximum of 12 months, it is being proposed to extend it to a maximum of 2 years, and
- (d) finally, we are increasing the maximum fine which may be imposed under section 200(6)(a) on an offender who fails to observe the conditions of his release from 100 rupees to 10,000 rupees.

Madam Speaker, I now move to Clause 7 of the Bill whereby further amendments are brought to the District and Intermediate Courts (Criminal Jurisdiction) Act in order to –

- (a) increase the number of counts in an information lodged before a District Court from 3 to 10, with a view to alleviate the burden on the Intermediate Court. As the law stands now, a District Court can only lodge an information containing up to a maximum number of 3 counts. Such a provision in our law dates to the

colonial days and no Government has deemed it fit to amend this fairly simple provision. This has led to the District Courts seeing information being lodged in a “splitting procedure”, which is to my mind quite objectionable, where several information are lodged against the same accused party. With this simple amendment now such a splitting procedure will come to a halt, and

- (b) increasing the penalty imposable on any person who gives false evidence in any case or inquiry before the District Court or Intermediate Court from a term of imprisonment not exceeding 5 years only to a term not exceeding 5 years and a fine not exceeding Rs200,000.

Clause 8 of the Bill seeks to amend the Mutual Assistance in Criminal and Related Matters Act in order to provide that the Central Authority, that is, the Attorney General, may make use of the services of public officers designated for that purpose by the Secretary to Cabinet and Head of the Civil Service. This will allow for the provision of the necessary personnel in a specialised area of our law, which is very likely soon to become a full-fledged department with its own dedicated staff. Until that time comes, however, it is urgent and necessary, in view of the sheer volume of work, to provide adequate staff to the Central Authority under the said Act.

Madam Speaker, clause 9 of the Bill provides for an amendment to be brought to the Patents, Industrial Designs and Trademarks Act (PIDTA) so as to empower the Court to order the destruction of any goods used in, or giving rise to, an act of unfair practice. This amendment is being brought to give effect to the judgment of *Unilever Plc v Matrix Impex Ltd* [2017 SCJ 427]. In the said case of *Unilever Plc*, which was a case under the PIDTA, the Supreme Court noted that there was no provision in our law entitling the Court to make an order for destruction of offending products. The Court noted that it was only empowered to order the forfeiture of the offending product - forfeiture only - without more. This clause will put the matter at rest and the Court will henceforth be empowered to order the destruction of the offending products.

Finally, Madam Speaker, under clause 10 of the Bill, two amendments are being brought to the Sale of Immovable Property Act -

- (a) firstly, to provide that a *commandement* which is to be served in a case of seizure of immovable property shall, in lieu of the visa of the *Ministère Public* or the visa of the District Clerk, require the visa of the Chief Court Usher of

the Supreme Court. This follows a proposal made by the Court Ushers' Association for obvious administrative convenience, and

- (b) secondly, to cater for instances where the publication of a notice under section 222 relates to a property which is situated in Rodrigues. In that regard, an amendment will be brought at Committee Stage to clause 10(b) of the Bill, and this has already been circulated. I have here to thank my hon. friends from Rodrigues who have drawn the attention of Government to the situation where Notices for Sale by Levy are not published in Rodrigues. Furthermore, during consultations which I had at the Rodrigues Regional Assembly and with NGOs in Rodrigues, the very same issue came up as a priority. This amendment, therefore, cures this defect. I seize this opportunity to reassure the House that broader amendments will be further brought to the law in the Sale of Immovable Property Act at the appropriate stage, that is, after the ongoing consultation process is completed.

Madam Speaker, the House will agree that the proposed amendments not only aim at bringing improvements to the administration of justice in Mauritius in general, but also seek to increase public confidence in the administration of justice. Some of the amendments will also send a strong signal to those who intend to make a mockery of our judicial system, for instance those who commit contempt in the face of the Court, refuse to give evidence in Court or give false evidence under oath.

Madam Speaker, Government is confident that this Bill will bring some significant and much awaited changes to our judicial and legal system to the satisfaction of judicial officers, law officers, members of the legal profession and also to the satisfaction of all right thinking members of our society to whom we owe a fair and efficient administration of justice.

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

Mr Toussaint rose and seconded.

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

At 4.54 p.m., the sitting was suspended.

On resuming at 5.33 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Baloomoody!

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, let me start by reading the Explanatory Memorandum –

“The object of this Bill is to amend a number of enactments with a view to, *inter alia*, improving the administration of justice in Mauritius.”

So, *inter alia*, we have the amendments with regard to the decision of the Privy Council, with regard to the pre-trial sentencing, but the main object is to improve the administration of justice in Mauritius. Any Bill which deals with the administration of justice is an important Bill. It is not the first time, and I am sure it will not be the last time that Bills come to this House dealing with administration of justice. But it is a matter of regret that neither the Bar Council nor the Law Society was contacted or was given a copy of that Bill prior to it be circulated for us, members of the profession, to give our opinion on that Bill. This has always been the practice. I have been a member of the Bar Council for nearly 34 years now. Every time that there has been a Bill with regard to administration of justice, it has been debated at the level of the Bar Council and the Law Society, but this one has not.

(Interruptions)

Well, you will get an opportunity to reply! Don't worry!

Normally when the Bar Council gets it, it circulates it to members and we were invited to a special meeting. It was not circulated. I was never invited to a meeting to come and discuss this Bill at the level of the Bar Council, same for the Law Society. I am not a member of the Law Society, but Attorneys did not have an opportunity to discuss this Bill prior to it being presented to this House. And what is worse, those who were concerned in the administration of justice, - at the upper judiciary level - when I went to see them recently on last Friday, they did not even have a copy of that Bill. They were surprised that the Bill was coming to Parliament on Tuesday.

Today, we are supposed to come with a Bill with the administration of justice when the stakeholders have not been invited to discuss. They have not had an opportunity to put their input in that Bill. We have had in the past wide consultation. There has been the presidential commission like the Mackay Report, which was set up in 1997 and, most recently, we had the Preliminary Report of Geoffrey Robertson Q.C. on the Media Law and Ethics. That was in 2013. Why I am talking about these two reports only because we are in the administration of justice. The Mackay Report makes reference to certain

recommendations and with regard to Geoffrey Robertson Q.C., recommendation on Media; he made certain recommendations with regard to section 82, which we are amending.

Mr Deputy Speaker, Sir, there is a lot - and I say a lot - to be done to improve the administration of justice in Mauritius. It is not just by passing an Act to increase the penalties for non-attendance in Court or to create new offence of contempt for the Supreme Court that we will improve our administration of justice. We need more than that. What we need is a fair, efficient, and I stressed on the word 'humane'; an accountable justice system that provides access to justice for all and treat persons in conflict with the law, be it victims, be it accused, and others who are in contact with this institution and mechanism with dignity; we expect for the fundamental rights and freedom, thus providing a cornerstone in a society based on human rights and the rule of law. This is what we should aim at. We should make sure that all those who are in contact with our Judiciary, the smallest man from the highest multimillionaire, gets the same treatment, is treated equally, is treated with the same respect by the Court with dignity. This is what we need. I have mentioned the Mackay Report. There are so many things in the Mackay Report which have not been implemented yet. And, if implemented, will better our administration of justice, will make our system fairer and more accessible.

Let's take a few examples! The fixed penalty system, it has been said that it is a good system, but we should computerise it. I live in Curepipe, if I am booked in a fixed penalty in the North, let's say Grand' Baie, I have to go the next day to Mapou District Court to pay my fixed penalty. And what is worse, I have to go personally. Even if you send your identity card with your fine, you've signed everything, no, you have to go personally.

Just computerise the system; you can pay in the Court. I work in Port Louis, I pay in Port Louis. I have been fined in Bambous, in Grande Rivière, it is such a simple matter. This could have facilitated. So, one has to take a day off to go and pay, and when you go and pay there, there is lunch time, opening time, closing time, they are not here and they will come later. Probably, you will have to go back again.

The recording of proceedings in our Court, for years, Mackay Report has said, you cannot keep telling the witnesses or the Barristers: 'please follow the hand of the Magistrate.'

We have to record all the proceedings and we know, the Magistrate's recording, very often, is not perfect, it does not reflect the reality of what is being said in Court. I am not saying against the Magistrate; they are not to be blamed but very often it is the translation.

When a witness speaks in creole or submits in French, he must write in English. We have a problem there. These are simple things that we could have done.

Management of cases - I will come to it later. We are going to increase the fine for a witness who does not attend Court. And a witness to attend Court gets only Rs300 per day. And there is a no management case. I will come to that later. Ten cases are fixed per day, fifty witnesses are called and it's only in the afternoon that they will end. You can't reach your case or your case will be postponed and you will have to come back again. And these professionals, whoever they are, they lose *une journée de travail*. There is no proper management of the case and we are coming to this Court to increase the penalty for witnesses who absent themselves. Can you blame them?

And I will come to the Mackay Report, I will tell you why in their mind they don't turn up, because they know that the case will be postponed, it is a waste of time to come to Court. Because there is no time, he doesn't know what will happen to his case, what time it will be called and they are all summoned to come at 9.30. In fact, they are summoned for 9.00 o'clock. All the witnesses are summoned to come at 9.00 o'clock. The Court knows, Counsel knows, Magistrate know that we won't be able to hear all the witnesses at 9.00 o'clock or even at 9.30 when the Court opens.

So, there is a question of planning. Postponement of judgement, this is another recommendation that Lord Mackay has made. How many cases are postponed just for judgement? We are all practising Barristers, we all know.

Later, I will come to an issue which is important because practically it is causing considerable prejudice to litigants, victims and witnesses. The issue of reviewing the Jurisdiction of the Curepipe District Court and increase the jurisdiction of the Rose Hill District Court, where there is more accommodation, less cases and we know that District Court in Curepipe is overcrowded.

Yesterday, I was in Curepipe. I was informed that instead of having 5 Magistrates, now they will have only 2 and their load of work. There is that recommendation, the hon. Attorney General just said we have to download the work of the Intermediate Court and by downloading the work of the Intermediate Court, we are increasing the number of counts in District Court in one summon, in one indictment, 10 counts, when, in fact, there is a simple recommendation by Lord Mackay. He said: 'in few of the congestions in Port Louis - and let's be honest - considerable annoyance is caused to witnesses, victims who come to Port

Louis, especially if they live in the North or in the South or in the far East. It states that. He said, that's how Mackay call it – 'In view of the present condition of Port Louis, let's have four Regional Divisions of Intermediate Courts serving the island', which is interesting and it should not be difficult to implement. Four Regional Intermediate Courts in the four corners of the island, keeping the main one in Port Louis for the Port Louis Division, and then see!

Another recommendation which can be done by a stroke of a pen is 'Appeal to Privy Council'. Appeals to Privy Council should be a matter of right; this is what Lord Mackay said. And we still have to go to the Supreme Court, ask for leave, very often it is refused, when it is refused, you go directly to the Privy Council and most of the time, you get it directly. But the cost is there and when we look at the cases of the Privy Council, only those who can afford will go there. Because if you are refused *forma pauperis* here, you don't get *forma pauperis* to go to the Privy Council! His leave is refused. So, these are things that probably I would have expected to be in the Bill to better administer the Administration of Justice in Mauritius.

Another simple one which is again causing considerable prejudice, injustice to victims is when the tortfeasor is a civil servant. Mackay report recommended the abolition. The privilege, he said, is not justified in the Rule of Law. Why should they be protected? Why only 2 years to sue a public officer when any other member of the public can be sued at any time, there is no prescription. Of course, there is a prescription of 10 days, personal prescription, but not that 2 years' limit. And this, Lord Mackay has said, it is a privilege which is not justified and still every time you get State Law officers who come to Court, this is the first point they will raise, time bar, no jurisdiction and your case finishes there.

The victim has lost his leg, has lost his family, has lost his wife, his children: 'sorry, you have come outside delay', no compensation, nothing. This is proper administration of justice? So, this is why I say, it's a bit an overstatement by the Explanatory Memorandum to come and say that this Bill is an improvement of the administration of justice. What we are doing is increasing the fine, increasing penalties, putting into practice what the Privy Council had said years ago, but this, in itself - I will come to it later.

Now, let us come to the Bill itself. Section 3 of the Courts Act is amended and we are creating a new section 18(d). In fact, the new section 18(d) is an exact copy of what we already have under section 127 of the Courts Act dealing with the offence of contempt. It is

an exact copy and what we are doing now, we are creating a specific offence for the Supreme Court.

So, we are increasing the fine for the District and Intermediate Courts to Rs25,000 and, of course, 7 days' imprisonment. And we are taking that from an Act of 1945 and just giving it a modern appearance, we use the UK name, what they have in UK, i.e., 'Contempt in the face of the Court'. So, we create a new offence for the Supreme Court and we give it an international name, a British name, 'Contempt in the face of the Court'.

But, Mr Deputy Speaker, Sir, are you aware that this issue of "contempt in the face of the court" is being challenged in England itself now? The recent Law Commission in UK, Contempt of Court Law Commission Report is challenging now. It says, "No, we can't give the Judges this power to condemn, to send to jail, because it is in breach of the European Court of Human Rights". *Spécifiquement, Article 6!*

Article 6 tells you that if you intend to send somebody to jail, you have to give him his right to be assisted by counsel. You have to give him sufficient time to prepare his defence. You have to give him the chance to be heard by an independent Judge, not the same Judge who fined him for contempt because he will not be objective in that hearing. And this is being questioned now in the UK. This morning, the hon. Prime Minister, answering a question of my friend, hon. Aadil Ameer Meea, on the Freedom of Information Bill, said, "We are studying around all the countries that have passed this law to see how it has worked, what are the benefits they have got with it, what is the wrong. This is why it is taking so much time." But, in this case, you don't look what is happening around?

You just import, just take the name and put it in our Statute Book, when we know that the Court has an irrelevant power. So, today, tomorrow, the Judge - Rs25,000, mind you! *Pas ene ti somme ça*, Rs 25,000! And if you can't pay it within seven days, you go to jail, when we know that, in this country, the last statistics of the prisons tell us that 33% of people in prisons today are those who could not pay their fines of more than Rs5,000. 33% of the population in prisons; they are those who have not been able to pay the fines of more than Rs5,000. And here, that same Judge! And they go even further. I do not want to conclude, this is very interesting reading. I don't want to take too much time.

The contempt in Court is not a one-side incident. There might be provocation. It might be that the language of the Chair, of the bench, might be insulting; that gentleman is not treated with the respect he requires. So, these are things. Somebody does not come to

Court and insult the Court! Some may do! But how many cases of contempt we have had in this country? We have found it a priority to come with this today. Sending people to jail for contempt. How many? You can count on the fingers of the hand. But these are issues which are interesting because we are sending people to jail.

If it was good in 1945, things are moving. Today, we have our Constitution. We have section 10 of our Constitution which guarantees your rights; rights for a fair hearing; rights to be represented by counsel of your choice before any action is taken against you. I am sure the hon. Attorney General will reply and say contempt is not a criminal offence because in the case of Mootocurpen, the Supreme Court has held that contempt is not an offence. But the sentence is equivalent to a criminal offence. Fine and jail! And in Mauritius, when you go to jail, whether it will be on your Certificate of Character or not, *Maurice est Maurice*, everybody will know that you have been in jail. So, indirectly, he will be penalised for life, although I must confess that for Certificate of Character, no offences under the Courts Act are listed. But spending seven days in jail, all your neighbours will know! Where you work, they will know! You will probably lose your job! And has this gentleman or lady had a fair hearing for that contempt? These are new issues which have cropped up now. It is not because we gave it to the Magistrate of the Intermediate Court in 1945 that we should now blindly give it to the Judge. We have to see. Things are moving. We have section 10 of our Constitution. There is a European Court of Human Rights. Although we are not a party, it has an influence on our law. So, this is why I say, "Have we done our homework before coming with that Bill?"

In UK, they are even given bail for them to go and prepare their case for contempt. They are given legal aid, if they cannot afford; they are given counsels to assist them. In most cases, it is the Attorney General there who initiates action for contempt, not the Judge himself; on the same day, he hears the case and he sentences. It is because they do not want an order to be arbitrary. They do not want an order to be bias. They want objective trial. So, this is why we say that we are seriously concerned with that Bill; giving powers to the Magistrate, to the Judge when, in fact, in every country, they are reviewing the issue of contempt, the question of contempt. Although it is not a criminal offence, like I said, its sentence is equivalent to a criminal offence. We are talking about jail. We are talking about Rs25,000 fine.

I am sure the hon. Attorney General, when replying to me, will say that the purpose of having power to deal with contempt is to protect the course of justice, which I agree. We

have to protect the course of justice. But, Mr Deputy Speaker, Sir, if however the procedure by which the Court seeks to enforce its authority lacks the basic features of justice which apply to proceedings leading to fine and prison, then, this undermines rather than enhances the rule of law.

And what is more interesting is that here we have just a law, we are not giving any guidelines. In the UK, there are Supreme Court rules, guidelines for the Judges to follow. Here, we are just giving a blank cheque. You have committed contempt of court; Rs25,000. You cannot pay within seven days, seven days in jail. No hearing, no trial, no right for barrister, no right for a fair hearing!

Now, let me come to the new section 77, which deals with witnesses; witnesses who refuse to appear and witnesses who refuse to give evidence. Have studies been made by the Judiciary or by any independent authority to see why witnesses do not turn up in Court? Before we impose heavy legislation, we should know the *mal*, what is the problem. There is a problem! There must be a problem somewhere for people who have been summoned do not bother to come to Court.

As I said earlier, very often, witnesses do turn up early morning, take a day off, but then their case is postponed. Very often, after hours of waiting, they are informed, "Your case will be postponed". His case will be taken at 1.30 p.m. and he is told to come to Court at 9.30 a.m. There is no room for them to wait. There is no proper accommodation for witnesses. Let alone counsel! Counsel will just wait in the car. But for witnesses to wait outside when it is rainy! Curepipe District Court! The Commercial Building Court in Bambou; Souillac District Court, which is a house! Yes, it is a house, you wait in the garage! And you expect people to come with files, with their medical files from hospital, professionals to come and wait in the rain and, after having waited for four to five hours, they are informed that the case is postponed! There is a problem.

But had we followed what Mackay Report had said – let us see page 21 of the Mackay Report. He produced a simplified method; he said there should be a pre-trial meeting where all the parties met and discuss the case, have a time frame for the case and schedule the witnesses accordingly. And it is only once this system has been introduced - this is what he said - and working well, that we consider that it will be appropriate to increase the penalty on a witness for failure to turn up in Court on the day required to Rs2,000. He did make certain recommendations, among others, to have a proper planning, to tell witnesses

that they will be called around 11.30 and 12.00, that they are required to bring their files. Not just to summon witnesses like that without informing them at what time to come! This is why we have this problem of non-attendance in Court.

It further proposes, when talking about relationship of Courts with public, - this is more than 15 years ago - that we consider that there is considerable scope for improvement in the public relations between the Courts and those who resort to them, and that the care of these clients is an aspect which requires very urgent and full consideration.

In each Court, there should - he recommends - be a point to which a member of the public attending the Court can go in order to ascertain whether and when he is likely to be required and what is the nature of the Courts' requirements in connection with him or her. He even suggested that there should be a leaflet to be given to these people. We consider this to be an important aspect of relations between the Court and the general public, to minimise the extent to which the public are unnecessarily inconvenienced by their attendance in Court. This is what we should have done before just coming to amend the law, increase fines but without doing anything with regard to the way we want to treat these witnesses, the way we want to deal with them.

Now, witnesses who refuse to give evidence, I totally agree to what the hon. Minister has said with regard to drug cases where witnesses want to change their version; we have to see this in the law. But, there is one principle in our Common Law. A witness may refuse to answer a question which will incriminate him. A witness may refuse to produce a book which will incriminate him, and we should not forget that this privilege of silence is one aspect of the Right of Silence of any person. So, if a witness is being pressed to answer questions that will incriminate him, are we against the Common Law Principle?

(Interruptions)

Sorry?

(Interruptions)

Here, you are paid to answer questions! Here, you have to! You are not a Court of law, fortunately for you! So, it is important that we look into that aspect as well, that the right not to incriminate oneself should be respected.

Now, with regard to the amendment to the Criminal Procedure Act, we don't have much quarrel about it. As we know, there have been several judgements of the Privy Council

which have said that we have to take into account the time spent on remand or in jail prior to trial when sentencing. I just quote from the case of Callachand, Iqbal and others, which is a 2008 case. And this is interesting, a 2008 case! It seems to be clear, that any time spent in custody prior to sentencing should be taken fully into account, not simply by means of a form of words, but by means of an arithmetical deduction when assessing the length of the sentence that is to be served from the date of the sentencing.

We find it difficult to believe that the conditions which applied to prisoners held on remand in Mauritius are so much less onerous than the ones applied to those who have been sentenced at the time spent in custody prior to sentencing should not be taken fully into account. So, as far as 1998, we had the judgement and it's good that today we are having that in our Statute, but I must say it has been the practice recently. The Courts do apply that practice; now it is good that we have it on Statute Book.

And again, with regard to pre-sentencing trial, the case of Dhoocharika, I quote –

“(...) The experience of this case shows that the prosecuting authorities should be careful to remind the trial court of the need to hear and consider submissions that go to possible mitigation of the sentence before sentence is pronounced (...).

(...)The appeal against conviction must be allowed (...)

This is a judgement on the Supreme Court. So, we are not coming with new ideas, or inventing a thing, we are just putting what their Lordship has said in the Privy Council, just put it in our Statutory Book.

Now, let me refer to that Section dealing with outrage against public and religious morality amendment to our Criminal Court. In his Report, Geoffrey Robertson recommended that Section 206 should be subject to the furthest safeguard of not being prosecuted without the consent of the DPP. Further, he highlighted that the term ‘religious morality’ is too vague. Let me refer to the report of Mr Geoffrey Robertson, who said that we have to define what we mean by ‘religious morality’. It is a term which is too vague. And at paragraph 37 of his report, he said clearly that, I quote –

“The present Mauritian laws against racial and religious hatred are, inevitably, somewhat broadly expressed, and I recommend that they be subject to the further safeguard of not being prosecuted without the consent of the DPP, whose public interests’ guidelines would caution against prosecuting legitimate protest against political stances taken by religious groups.”

This is an important remark made by Mr Geoffrey Robertson which I think we should have taken on board.

With regard to the amendment to Section 282, the crime of steering up racial hatred, this is indeed an important one, especially in a multi-racial country like ours.

Mr Deputy Speaker, Sir, you are living in an age of instant communication. While I am talking here, anybody in another work can hear what I am saying. Instant communication where, through the social media, within seconds, less than seconds probably, messages are sent across the country and the world. These messages can fall on anybody, either on their phone or their computer; it can fall on anybody, be it somebody who is mentally normal, an extremist, or somebody who is not mentally normal.

So, we don't have any control on the recipient of that message. We believe, in view of the age of communication that this section should be a strict liability offence. You don't have to prove intent because, as I said, you don't have any control on the recipient. You don't have to prove intent. Just by writing, communicating, sending racial message which may create hatred in the country should be sufficient because for other offences like giving false evidence, it does not have to be with the intention of protecting or obstructing the course of justice. If you give false evidence, it is an offence. There is no *mens rea* there. Why should we now in this serious offence when we know that we don't have any control on the recipient of the message - the maker may not have intended but he has written what he has written and this has been taken by others to be interpreted as they want to interpret it and have taken actions that they have taken, disturbing our harmony, our social fabric - so, we believe that this offence should be tightened. It should be a strict liability offence where the Court does not have to prove intent. Once you write something in the book, once you send a message on your WhatsApp, if it is on the electronic equipment, it has to be an offence.

Now, on the same offence, political opinion! Come on! We are talking about 2018 and Geoffrey Robertson said that we should delete political opinion as a ground of liability. We are living in a democracy where we have all the laws - not only in a democracy but we are living in a country where the rule of law prevails - why should political opinion be a liability, be punished? We believe that in a democracy where the rule of law prevails, citizens should be able to attack the political opinion of others as vigorously as they like. Political opinion, they should be able to! So, we propose that this be deleted as a ground of liability in section 282.

Lastly, I want to address the issue of Masters Court selling property belonging to Rodriguans. I welcome the publication which will be made now in the Rodriguan dailies, I don't know if they have dailies there but their newspaper. But there has been a request from some quarters - as you know, I go to Rodrigues quite often and I meet quite a lot of people - that as in the case of divorce where the Judge goes to Rodrigues twice a year, I think...

(Interruptions)

...*deux ou trois fois* and they adjudge the case of divorce there. Why can't the Master - because we do not have many Rodriguan lands which go on sale or levy. - go there at least once a year, have the sale there so that there if they can't pay it, their son can bid for it, their relative can bid for it and they keep the property. So, there is a recommendation as to why should not the Master travel to Rodrigues once a year because apparently there is only one property or two properties per year. There is not much. So, I do not know whether it has to be made by law or it can be made administratively.

Mr Deputy Speaker, Sir, to conclude, it can be argued that the procedures and practices for fair, efficient, humane, accurate and accountable justice significantly determines the equal enjoyment of all human rights. It comes as no surprise that those in the lowest income bracket have the least trust in a system that lacks civility and appears unfair, confusing and inaccessible.

I have done, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you. Hon. Vice-Prime Minister!

(6.13 p.m.)

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): Thank you. Mr Deputy Speaker, Sir, first of all, I would like to thank the hon. Attorney General for introducing this Bill to Parliament. I have listened carefully to the intervention of the hon. Attorney General and I fully agree with him with regard to the amendments being brought today to our law and I do think that those amendments will help to improve the administration of justice in our country.

Well, he has rightly said that the Bill is long overdue. Mr Deputy Speaker, Sir, on this side of the House, as a responsible Government, we are today taking the initiative to implement various legal measures as a result of judicial pronouncements made by our Supreme Court and the Judicial Committee of the Privy Council dated as far back as 2002.

Hon. Baloomoody, *un ami de la profession*, has spoken about the practical aspects and problems encountered. Well, on this side of the House we are of the opinion that all amendments that are being brought today will indeed help to cater for and solve many of the practical problems which have just been listed by the hon. Member. Hon. Baloomoody has said that we are here giving effect to some old judgement dated as far back as 2002. But, at the same time, he has taken the pain to refer lengthily to Mackay Report, but, as far as I know, Mackay Report also is a very old report dated back to 1997.

Well, on this side of the House, we welcome and support the introduction of the Judicial and Legal Provisions Bill and the main objective of this Bill is to amend a number of enactments with a view to, *inter alia*, improving the administration of justice in Mauritius. But, at the same time, the Bill is introducing some new statutory legal principles.

Clause 3 of the Bill introduces a new section to our Courts Act. I am here referring to section 18D, the said section deals with the statutory concept of Contempt in face of Court. The introduction of this section in our Courts Act is a very good measure. I think it will go a long way in ensuring that any person who appears before the Supreme Court respects the decorum of the Court and behaves properly during Court proceedings.

As things stand now, Mr Deputy Speaker, Sir, the Supreme Court is not statutorily empowered to sanction spontaneously any misbehaviour during Court proceedings. Currently, we only have section 18C of the Courts Act on our statute books. What does section 18C provide for? It provides for both civil and criminal contempt of Court before the Supreme Court. As we all know, civil contempt arises when somebody is flouting an order of the Court and criminal contempt takes place when somebody is bringing the administration of justice in Mauritius into disrepute. Both are quasi-criminal offences having a term of imprisonment and a fine.

However, in both cases, the current procedure for a contempt of Court judgement under section 18C is quite lengthy and takes much time. So, as you know, Mr Deputy Speaker, Sir, we have to enter a main case before the Supreme Court by way of motion and affidavit. Section 18D of this Bill will allow for immediate action to be taken in cases of Contempt in face of Court. This section empowers the Supreme Court of Mauritius to deal summarily and spontaneously with disruptive situations that may arise during Court proceedings. These disruptive situations will now be considered, as the Bill said, contempt in face of court.

The rationale of introducing this new clause is, of course, to ensure the smooth running of all proceedings without any acts of disturbance by any person. This new concept of contempt in face of court will surely prevent any misbehaviour that amounts to an interference with/or obstruction to the due administration of justice in our Supreme Court.

In this Bill, examples of conduct that amount to contempt in face of court are: wilfully insulting the Judge or any Court officer; wilfully interrupting Court proceedings, and misbehaving in Court.

By inserting this new section, the Supreme Court can now deal with such situations summarily and spontaneously by sending the offender to prison or imposing a fine.

The new section is in line, of course, with the dicta of the Judicial Committee of the Privy Council in the case of *Gilbert Ahnee v Director of Public Prosecutions* [1999]. The Law Lords stated the following about the Court's powers with regard to contempt of Court. I quote -

“(...) in order to enable the judiciary to discharge its primary duty to maintain a fair and effective administration of justice, it follows that the judiciary must, as an integral part of its constitutional function, have the power and duty to enforce its orders and to protect the administration of justice against contempts which are calculated to undermine it (...)”

Mr Deputy Speaker, Sir, clause 3 of the present Bill is also introducing, as said by other interveners before me, two new sections to our Courts Act, namely section 77 and section 78. These two new sections will further enhance the Supreme Court power with regard to the summoning of witnesses and the truthfulness of their testimony under oath.

The introduction of section 77 is welcomed. The Prosecution and the Court will, as such, have better control on the conduct of cases. As the law stands now, in many criminal cases, the Prosecution cannot prove its case, and cases are being dismissed simply because witnesses either refuse to attend the Supreme Court or refuse to give evidence under oath for the Prosecution. Henceforth, any competent witness who has been duly summoned to attend the Supreme Court to give evidence will no longer be able to either refuse to attend Court or refuse to give sworn evidence unless he has sufficient cause to refuse. If the witness refuses to attend Court and provides evidence, the Supreme Court will now have statutory power to send the witness to prison or impose a fine on him. This will help in the proper dispensation of justice by ensuring that all admissible evidence can be adduced before a court of law. This

could be in the form of *viva voce* evidence by a witness or the production of documents or exhibit by a witness.

Now, let us come to section 17. Section 17 is interesting, as it deals with the offence of perjury. Under this section, it will be a criminal offence for a witness to give false statements under oath before the Supreme Court. This amendment will act as a deterrent and discourage witnesses from lying under oath during trial. In this way, we can ensure that no miscarriage of justice will take place before the Supreme Court.

Clauses 4, 6 and 7 of the Bill are respectively bringing major amendments to the Criminal Appeal Act, the Criminal Procedure Act, the District and Intermediate Courts (Criminal Jurisdiction) Act. The amendments concern the deduction of the time spent in custody on remand by the accused or appellant when determining the term of imprisonment. This amendment on the issue of deduction of time spent in custody on remand follows the remarks made by the full bench of the Supreme Court in the case of *Kamasho v The State of Mauritius* [2016], as has been rightly pointed out by the hon. Attorney General.

After endorsing two judgements of the Judicial Committee of the Privy Council, namely *Callachand v The State of Mauritius* [2008] and *Dookee v The State of Mauritius* [2012], the hon. Chief Justice stated the following -

“We hasten to add that this is an area of the law where the legislator should have intervened as far back as 2008, given the decision of the Judicial Committee in *Callachand* to provide a statutory basis for the quantum of the credit to be given for time spent in custody.”

So, as a responsible Government, we are giving effect to the observation made by the Supreme Court in the said case of *Kamasho v The State of Mauritius*. The new amendments will, therefore, give a statutory basis for the quantum of the credit to be given for time spent in custody. In 2008, the Judicial Committee of the Privy Council stated, in the case *Callachand v The State of Mauritius* [2008], that the time spent by an accused party on remand should be taken into account by Court when passing custodial sentence. The Law Lords held, in the case of *Callachand v The State of Mauritius* [2008], I quote -

“Any time spent in custody prior to sentencing should be taken fully into account, not simply by means of a form of words, but by means of an arithmetical deduction when assessing the length of the sentence that is to be served from the date of sentencing”.

The Law Lords further held in the case of *Dookee v The State of Mauritius* (2012) -

“Credit should ordinarily be given for time spent in custody on remand to the extent of 80-100%.”

So, Mr Deputy Speaker, Sir, by introducing these two new sections, the Government is bringing a statutory basis for the quantum of credit to be given by the Supreme Court for the time the accused has spent in custody on remand by deducting that time from his term of imprisonment. This amendment is, therefore, providing, subject to certain conditions, for full credit for the time spent in custody on remand by deducting that time from the time of imprisonment.

It is also important to highlight that necessary amendments are being brought to our law to improve the fairness of our criminal justice system. Clauses 6 and 7 are introducing a constitutional safeguard for a fair hearing at the time of sentencing of an accused party. These two sections will be included in the Criminal Procedure Act and the District and Intermediate Courts (Criminal Jurisdiction) Act. The new sections will impose a statutory obligation on all our Courts, District Court, Intermediate Court and Supreme Court, at sentencing stage, to ensure that the accused gets a fair hearing in a criminal case. The accused will now have the opportunity to adduce evidence in mitigation and explain the personal circumstances that may be relevant for sentencing purposes.

Again, as a responsible Government, we are seriously taking into consideration the observation made by the Supreme Court. As far back as 2002, in the case of *State v Maudarbaccus* [2002], as I have said, the Supreme Court sounded the warning bell regarding the perfunctory manner in which hearings relating to a sentence are often conducted by Courts in Mauritius.

I quote –

“(...) For too long, the sentencing stage in Mauritius has been somehow not given the attention which it deserves and that is very regrettable indeed since justice is not only concerned with findings as to whether accused parties are guilty or not guilty, but also with the assessment of all the relevant evidence available for purposes of sentence.

Accused parties are as much concerned with the sentence which may be passed by the Court as with the finding of guilt or otherwise by the Court. In fact, it may be true to say that to many accused parties, the sentence is the predominant concern.”

Allow me to refer to another case where the Supreme Court expressed its concern on the matter of a fair hearing at sentencing stage for an accused. I am here referring to the case of *Teeluck v The State* 2014, where it held, I quote –

“It is a matter of concern to us that despite the repeated observations of the appellate Court (...) some Magistrates are still failing to pay heed to the right of the accused to a fair hearing at sentence stage. (...) we urge the Master and Registrar to draw the attention of all Magistrates to the present judgment.”

So, through the present Bill, our Government is making a fair hearing at sentencing stage, a mandatory statutory requirement, which must be followed by all Courts of Mauritius. Our Government, of course, has at heart the rule of law and the fundamental and constitutional rights of citizens of our country. By introducing the present Bill, I am sure we will be able to ensure that there is no miscarriage of justice when sentencing an accused party.

Now, let me come to clause 5, which is revisiting two important criminal offences under our criminal code, namely, ‘Outrage against public and religious morality’ and ‘Stirring up racial hatred’. If not addressed in a proper way, these two offences can affect the unity and harmony prevailing in our country. In this digital age, we must consider how online tools shape the way people communicate and share information.

Clause 5 of the Bill, therefore, repeals sections 206 and 282 of the Criminal Code. In the place of these two sections, the Bill introduces a new and wider definition of both criminal offences by including the concept of communication through broadcasting and through electronic and digital devices. The aim of this new definition is to keep up with the advent of new technology. Social media networks such as Facebook, WhatsApp or Twitter are platforms for communication that can easily be used to commit such offences. Furthermore, the negative information can spread rapidly through these digital means. So, by including new definition of these offences in the Bill, different forms of technology used for communication will now be covered by the Criminal Code.

Mr Deputy Speaker, Sir, this Bill is very important and as I have said, this Bill is long overdue. So, I commend the Bill to the House as it updates and reinforces our different laws. The present Bill will surely help in making our judicial and legal system more efficient. It will also give all stakeholders involved the means required to improve the proper administration of justice in our country.

Thank you.

The Deputy Speaker: Hon. Shakeel Mohamed!

(6.32 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime and Port Louis East):

Thank you very much, Mr Deputy Speaker, Sir. I have listened with much interest to all those who have intervened on this piece of proposed legislation and I will try my best to be very brief in what I have to address to this august Assembly. I have been asked earlier on today by the Government Chief Whip how long I will be. I jokingly said 10 minutes. Should I seriously add a zero to it just to see him smile? I must say that I love seeing him smile!

(Interruptions)

Not for long - I mean, the smile!

I have listened, as I said, with much interest to the hon. Attorney General and, during his intervention, *à maintes reprises, il a repris certains mots pour expliquer la raison d'être de ces amendements, M. le président. Il a clairement expliqué la raison d'être. Il a expliqué pour justifier ces amendements, il a parlé de good administration of justice.* He has also referred to the Explanatory Memorandum of this Bill, which clearly states, and I quote –

“The object of this Bill is to amend a number of enactments with a view to, *inter alia*, improving the administration of justice (...).”

Within the first five minutes of his intervention, he had already referred to the improvement of the administration of justice, at least, three times. I understand, therefore, and everyone who listens to him understands, therefore, that the main aim of Government is, indeed, to improve the administration of justice.

Now, those are very nice intentions, but then, again, in order to improve the administration of justice, if this is what the Government is proposing, it is quite sad. After having been in power ever since the beginning of 2015 or the end of 2014, the Government is still not empowered to bring about fundamental changes to the administration of justice. Already, we have had the second Attorney General of this Government and out of the second Attorney General what did we expect? Members of the public looking at us outside would have had expected that this Government would have come forward, Mr Deputy Speaker, Sir, with amendments to the laws in order to address real problems that the public is facing every day in Courts, when their matters are heard before Courts, when their matters are heard before tribunals, *les vrais problèmes de la population quand ils se retrouvent devant une*

Cour de justice. L'administration de la justice n'est certainement pas adressée par ce gouvernement, le deuxième ministre de la Justice, the second Attorney General. And now, we end up with just an Explanatory Memorandum that does not even go for more than one and half pages that exactly means what it says! Nothing really substantial!

It is also important, Mr Deputy Speaker, Sir, for the hon. Attorney General, who represents Government by coming up with this piece of legislation to understand that one must have order in the priority of Government or, at least, what is the priority of Government. The Government - as my good friend, hon. Baloomoody, stated in his address - is not in any way addressing the administration of justice when it comes to the everyday issues in Courts. For instance, people go to Courts in the morning, have to end up there at 9 o'clock in the morning for the Court to start at 9.30, and then, later on, for a simple contravention matter, have to spend, at least, two or three hours minimum of their day in a Court of law. For a simple contravention matter! Is this addressed by this Bill? The answer is no!

The hon. Attorney General will turn around and say, but then, again, you could plead guilty by post! Does that sort out the problem? It doesn't! So, does this address the simple issues? For instance, a place for the members of the public to sit, a place for the members of the public to wait, or even a proper toilet! People may say that this is very banal.

But then, again, if you are going to spend a lot of hours in a Court of Law waiting for your case to be heard, Mr Deputy Speaker, Sir, the least you could have is a proper toilet.

But the Government of the day does not even understand the very simple issues that are required to provide satisfaction to the public. The Government of the day forgets, for instance, lawyers in this august Assembly will recognise that there are cases that are heard maybe two to three or four years back. Judgments are still not ready and delivered. Two years or three years after a case is heard. Does this not concern administration of justice? Does this not concern the very introduction which is improving the administration of justice? How, therefore, does this Government that pretends to have solutions to all problems and is indeed according to some people the best Government that we have ever seen in history for about 50 years, if that is the case, they can't even come to provide a proper solution to, for instance, people having to wait three to four years for judgments to be delivered.

(Interruptions)

Yes, the best party in the world, Mr Deputy Speaker, Sir, the best and some people...

(Interruptions)

... do not really understand the irony in what I'm saying, but then again, I mean obviously, those are people that we say *qui portent des visières*, they will only see in one direction.

Mr Deputy Speaker, Sir, can you imagine until today there are people who are complaining lawyers whom I recognise in this Assembly on both sides of the House, every single one of them cannot come and tell me that they are happy with the administration of justice. And I'll go further. I am not saying it was perfect when the Labour Government was in, I am not even saying that. I am saying, as rightly said by the hon. Prime Minister, we are not in power; you are. So, deal with it, so, do not come and give us a piece of paper to pretend that you are sorting out all the woes of the administration of justice and pretend that with this piece of paper you're coming to sort out what is a calamitous situation in our Courts of Law. This is not a solution; this is simply an exercise to buy time and to do something on this Tuesday evening. That's all!

My good friend, as I said, hon. Baloomoody referred to very important sections of reports. I was myself reading a document which was the Law Reform Commission document, a discussion paper – 'Access to Justice and Limitation of Actions against Public Officers of the State'. And as reading this document and ever since the Law Reform Commission talks about the issue about the State Proceedings Act, the Law Reform Commission referred to a very important case, the case of *Boodhoo v. the State*, 2002 Supreme Court Judgment 99 and in that particular case, the Court held that the plea *in limine*, in other words, the point of law that had been raised by the defendant was well taken and by virtue of section 2 of the State Proceedings Act –

"No action may, in respect of an Act done by an Usher in connection with the execution of a judicial process, which was the case even though the Usher was not executing an order or judgement of Court."

Ever since that, doesn't this concern the good administration of justice? Are we not all responsible - be it on that side of the House or this side of the House or if there were more sides, all sides of the House - to bring solutions to those real problems that have been raised, the alarm bells that have been flagged by the Law Reform Commission? Would it not also be correct for us, here, to refer to another element of administration of justice? And which is what, which is precisely in another document of the Law Reform Commission, the issue paper on the Office of the Director of Public Prosecutions and the constitutional requirement of its operational autonomy

In this case, Mr Deputy Speaker, Sir, Lord Mackay, in fact, had referred in his report and made a recommendation and his recommendation was with regard to the autonomy of the DPPs Office. And, here, there was a recommendation and I read here at paragraph 9 of that report, I quote –

“We therefore recommend that henceforth in the Appropriation Act, the budget of the Office of the DPP should appear as a vote item for an independent body as is that of the Judiciary.”

Does this not concern good administration of justice? In order for them to look at least credible in their attempt to bring legislation for the good administration of Justice, let's look at what they have done, this Government, in the recent past. Have they not flouted this very recommendation? Have they not flouted the importance of having ‘in the budget, the Office of the DPP should appear as a vote item for an independent body as is the case of the Judiciary’, has this not been flouted?

This also concerns independence of the judiciary but then they will come up with excuses and talk about, ‘well, we have to streamline this, we have to streamline that’, but, in other words, they have cast aside important recommendations that were made by Lord Mackay.

Lord Mackay also referred to section 206 of the Criminal Code which this Bill tends to amend. And, here, what is basically being provided for and what surprises me and it is quite surprising that, here, the hon. Attorney General has basically circulated an amendment and in that amendment, he is proposing that specific words be added, for instance, “through the internet or in any public place, meeting or procession”.

I am surprised that in the initial Bill that part was missed out. Because the whole point, in fact, was basically to come forward with providing that this matter should also include electronic means in addition to the other means. And, here, it is only through Committee Stage that this is being brought in. How come a serious Government has even forgotten that part in the initial drafting of the law? So, the seriousness of this Government, the credibility of this Government is at risk here and is being shown clearly that this is not being done in any way for the good administration of justice.

Now, credibility, the day in day out problems in a Court of Law, and, here, Mr Deputy Speaker, Sir, all lawyers and you will understand what I mean, you will know what I am saying. We are talking about cases that take long and long for the good administration of

justice. What is being proposed is not a solution. And then the Attorney General later on in his response or even hon. Rutnah when he will respond later on maybe he will say, I am just assuming, maybe he will come up with such an excuse, but this legislation does not concern that particular problem in a Court of Law. Fair enough! But it should have concerned it. This legislation, maybe hon. Rutnah or the hon. Attorney General will say: *'mais cela ne concerne pas, M. le président, les affaires qui prennent du temps ou les jugements qui prennent du temps ou le fait que les affaires traînent devant les Cours de Justice ou le fait qu'il y a un manque d'effectif en termes de ressources humaines dans les Cours, qu'il n'y a pas de facilités infrastructurelles adéquates pour avoir une Cour de Justice.'*

*Par exemple, M. le président, imaginez-vous à la Cour de Pamplémousses ou Rivière du Rempart, it is a glorified shopping centre that was sitting in ! Can you imagine what the District Court of Souillac looks like! It is the home of someone that has been converted into a Court of Law! Can you imagine the other Courts! In Curepipe, it is a little extension that has been built from one building to the next, but that was basically also the home of someone else that has been converted into some sort of hall that the Magistrate has to sit in. And you expect this to be good administration of justice! But hon. Rutnah will come and tell me - *mais, M. le président, il va dire* in his own beautiful theatrical manner, which I admire, which I am in awe of. He will say, *M. le président*, that this does not concern this, hon. Mohamed is out the subject. Is he? The subject has been missed. The target has been missed. This is what should have been in this law. So, what is he coming up with?*

The Law Reform Commission talked about judicial review. It talked about the amendments and the procedures that had to be sorted out with regard to the procedures to bring a matter for judicial review. Has this been addressed? No. But now, I have to also remind the hon. Attorney General, Mr Deputy Speaker, Sir, that this would not have been an issue today had this piece of legislation been circulated to the Bar Council, to the Law Society. I have not seen any single document being circulated to the Law Society or the Bar Council. The Law Society and the Bar Council *auraient pu suggérer les éléments qui devraient se retrouver* in this law. But this is not the case. This was not important enough for Government. They are in power, they do as they wish. Government does what they wish. But what is more important? How credible are they? You are talking about a very important amendment to the law in clause 5, which has been referred to by hon. Baloomoody, 'Outrage against public and religious morality'.

Now, I do not want to be nasty, and I am not being nasty by referring to very important recent events that have occurred, that undermines Government's credibility when it comes to this subject, when it comes to this very important element of the law; which is what? It is stirring up racial hatred. Before I get to that, and I will keep the good one for the last, political opinion. We are in 2018 - hon. Baloomoody referred to it rightly. Does this find its place in section 282 of the Criminal Code?

“Any person who, with intent stir up contempt or hatred against any section or part of the section of the public distinguished by race, caste, place of origin, political opinion(...)”

This Government has been guilty of stirring up public opinion against me or any members of the Labour Party because of our public opinion, and which is our role, indeed, to stir up people and to show them why they cannot have confidence in this Government because of their public opinion. Does that mean that this would be wrong according to law? That we are stirring contempt or hatred? But if people hold this Government in contempt and hatred because of their public opinion, they should be congratulated out there, and not in any way condemned. Is it because the Government finds that things are too hot out there - things are heating up for the Government outside? That is why now they are going to say, “No, no no, this has to remain in there”.

The best Government in the world, with the best political party in the world, is finding things so difficult that they are insisting on keeping this word ‘political opinion’ there in section 282. *Ce que les Mauriciens, les Mauriciennes doivent comprendre, c'est que ce gouvernement insiste que l'opinion publique, si jamais ils ont eu une opinion différente du gouvernement et que cela amène contempt, un dégoût dans le public à cause de l'opinion politique du gouvernement*, they could be taken to task. This is serious. So, where is my right to have a difference in opinion? And even if that opinion creates hatred, even if that opinion creates contempt for their political views, so be it, because this is what is the fundamental right. Now, things may have been like that long ago. But things have evolved and, therefore, we should have an amendment to the law.

Now, as I said earlier on, I do not want to be nasty. Credibility is important and the Government lacks it. Remember, in this Assembly, I had asked the Rt hon. Minister Mentor - I cannot recall whether he was Minister Mentor or was he still Prime Minister. I cannot recall whether it was junior or senior, but then again it is the same name. So, one of them, I recall. I

put a question to them about a statement that had been made by a Police Officer. Yes, hon. Rutnah is facilitating my task by pointing the finger to himself. I do not know why he is so adamant in being self-accusatory. Please! I haven't even mentioned your name. But the ability he has to read my mind is just amazing. We are so close; that is why he manages to do it.

(Interruptions)

What I am trying to get at here is a particular meeting, where hon. Rutnah happened to be there - I guess it was simple coincidence that he was there -, having listened to a Police Officer making reference to someone who had religiously converted and, according to that Police Officer, this particular person, because he had converted, should not be allowed to become Commissioner of Police in a country like Mauritius. Hon. Rutnah had explained in the Press that he just happened to be there and did not find this conversation at all interesting and did not ascribe to that position, and that is why he found it more interesting to speak to someone more intelligent next to him. I read what he had said to the Press. And I congratulate him for that. The only advice that I could give hon. Rutnah is, next time this happens, leave. It is only a brotherly advice. Leave, don't stay there! Because if you stay there, then there is this nuance that maybe you do ascribe to it but, to be politically correct, you had to say the other element. To have no doubt about the version of hon. Rutnah, I advise him to leave and not stay there.

But still, I had asked the hon. Minister responsible for the Police: "What of that particular Police Officer? Has he been suspended? The answer was "no". The Rt hon. Minister Mentor actually did not find it important for that officer to have been suspended; an officer who clearly was in contravention of section 206 of the Criminal Code, "Outrage against public and religious morality". A Police Officer who clearly had been contravening section 282, "Stirring up racial hatred".

The Rt hon. Minister Mentor, Sir Anerood Jugnauth, here in this Assembly, did not find it necessary or important or urgent to send a strong message that this man should have been suspended immediately from his duty. Therefore, why should we believe Government that they are credible and serious enough to bring fundamental changes to our laws for the good demonstration of justice? How can this Government be believed when they have got no credibility left? Let us not forget hon. Tarolah sitting here. I don't want to be nasty. But then, again, there is this particular section of the law.

(Interruptions)

I thought that it was important for me to be able to bring him back into this debate because for a while now I have very, very sadly noticed that hon. Tarolah had disappeared from this august Assembly, and we missed him very much. And now that he is back, I am endeared by his presence. Are we not all happy to see him back? But then, again, as a good honourable friend of ours, it is important that we try to help out the future generation by using him as an example. Some would say good, some would say bad, but an example he must be.

Now, what I am trying to say here is the following. Wasn't it not him - because I don't know, he didn't give an explanation - who showed us that he has the ability to move certain parts of his body in such a way that amazes everyone? Sitting in this House, has he not potentially shown that there is an outrage against public and religious morality? Let alone the religious part, at least public! But then, again, the credibility of this Government is such that he has not deemed it important enough to, at least, grant us - the little 'us' - with an explanation of his oratory arts and of his oratory skills by not pronouncing a single sound, and moving a very important element of the body, which is called 'the tongue'.

(Interruptions)

Acrobatic, gymnastics!

Now, if he, Mr Deputy Speaker, Sir, has not somehow found it important, the hon. Prime Minister has not somehow found it important for him to give us at least an explanation, the little people whom we are and the people in Mauritius out there, this is a credible Government that would basically tell us 'good administration of justice'. And we are to believe them. But then, again, let us be clear. It is not my intention to offend; it is my intention of only trying to draw allusion to very important historical facts.

After having said those words, those Sections of the law have to go, come through, but it is a pity that it does not come with serious in-depth works, amendments that would really improve the administration of justice, because this is what they promised in 2014, that they have the solutions to all the woes of this country, that they have the solution to everyone's problem; institutional problems and the decadence that prevailed in 2014, they would make things better. Three years gone, things are worse! And this is what they are telling us - but then, after I sit down, most probably what's going to happen, I'll tell you because we are so used to the mechanisms used by this Government, instead of addressing the serious issues, Members on the other side will undermine me personally. They will come

and try to find ways and means to say the usual explanations that people are so fed up with and we are anaesthetised now. Because they are going to say: but when you were in Government, what did you do? And when I say to them what hon. Pravind Jugnauth said this morning, you are in Government, deal with it, we are not! You are in power, not since yesterday, not since the day before yesterday! You have been in power for the last three years, live up to your promises; otherwise, do the good thing, leave!

Thank you, very much.

The Deputy Speaker: Before, we move on to hon. Rutnah - hon. Mohamed, you are counsel of many years of standing, and I would like to have your views on Section 282 (1), that is, Stirring up racial hatred of the Bill. What is your reading? It will go in the Hansard as *travaux préparatoires* someday. Whether this term 'political opinion', whether same words have been borrowed from Sections 16 (3) and 16(5) and also in Section 3 of the Constitution, that is, Discrimination on the basis of political opinion.

Mr Mohamed: Mr Deputy Speaker, Sir, even though it is...

The Deputy Speaker: I invite your views because you are counsel.

Mr Mohamed: I thank you. Even though, Mr Deputy Speaker, Sir, it is not a practice normally, in my years here, for anyone to have asked such views, then again - I mean, I like the idea of being different, and *allons dire l'innovation*, and to ask that question and I thank you are for my opinion. And I am sure, hon. Rutnah would also give his views, since you are always interested, though we may be political opponents, in sharing views to be constructive about it. Yes, I am of the view that, if - I mean, in fact, I am going to break it down, Mr Deputy Speaker, Sir. If I am person who would intend to stir up contempt or hatred against any section or part of any section of the public, distinguished by race, caste, place of origin, political opinion, so, basically if I am as a political person, or anyone for that matter decides to make a public discourse, and in that public discourse, I am of the view that it is in breach of Section 16, yes, I am.

The Deputy Speaker: And what about the words used by the framers of the Constitution?

Mr Mohamed: I am sorry, I did not understand you clearly.

The Deputy Speaker: The terms used by the framers in the Constitution in Sections 3 and 16, that is, Discrimination on the basis of political opinion.

Mr Mohamed: And basically, I am of the view that it is discriminatory, and if I am not mistaken, my senior, hon. Baloomoody did make reference somewhere to that, and I think he is right. There is, in my view, a serious issue here, and as legislators, this is important for us to draw attention to that, because we cannot in any way, because it is very vague here, to stir up contempt or hatred.

Contempt, for example, it is very vague. I am just using one example, I make a political discourse, or say something that basically, or publish something or distribute something, let us say, as I have joined just now against hon. Rutnah. Now, hon. Rutnah himself knows that it has never been my intention of doing that, of causing hatred against him, but then, again, potentially there is a *prima facie* case against me, because people always hate him out there. So, how can I be basically held responsible for that?

You see, here, I believe that this political opinion - now when you talk about political opinion here, for me, specifically, it is something which raises a constitutional issue, and is discriminatory in my view. That's my humble opinion.

The Deputy Speaker: Thank you, hon. Shakeel Mohamed.

Hon. Rutnah!

(7.03 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Mr Deputy Speaker, Sir. This Bill today is not about toilet, it is not about being theatrical, it is, in fact, about being serious and serious demonstrates that, Mr Deputy Speaker, Sir, you have got the grasp of it - in fact, when you inquired from hon. Shakeel Mohamed in relation to the point raised in Section 16 of the Constitution.

And since you raised Section 16 of the Constitution, let me deal with that point first, and in doing so, I will refer to the comments that hon. Shakeel Mohamed made against hon. Tarolah, and I, when I was present in a gathering, where I was invited. I will also deal with the manner in which my very able and learned friend, hon. Mohamed dealt with the issue.

Now, in doing so. Let us look at what the Bill says about stirring up racial hatred.

(1) Any person who, with intent (...)

The word 'intent' is very important, it is operative word.

- (1) Any person who, with intent to stir up contempt or hatred against any section or part of any section of the public distinguished by race, caste, place of origin, political opinion, colour, creed or sex –
- (a) publishes, distributes, posts up, circulates, exhibits, exposes, broadcasts or transmits any writing which is threatening, abusive or insulting; or
 - (b) uses any word or makes any gesture in any public place, public meeting or procession which is threatening, abusive or insulting, shall commit an offence (...)

And will pay a fine and 20 years imprisonment, this is what the Bill states.

Now, let's look at what Section 16 says, and I am doing this for the benefit of those who are listening to the debates from home, because we have brought Parliament home, by virtue of live broadcasting, so the public has to know.

Section 16 deals with the protection from discrimination.

“(1) Subject to subsections (4), (5) and (7), no law shall make any provision that is discriminatory either of itself or in its effect.”

And then, I will straightaway go to subsection (3). In this section, “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.

Now, Mr Deputy Speaker, Sir, the provision of the Bill is compliant with the provision of our Constitution and it is, therefore, legal in all its sense because if someone will stir up racial hatred, he or she will have to face the consequences. When hon. Mohamed was referring to the situation in which I was when that Police officer made some remarks admittedly of racial nature which was completely wrong, he was completely off his trolley when he did that, I was invited, like many of us in the House are invited in many functions, religious or otherwise, I was present there, at the end of that function...

(Interruptions)

Yes, my picture was taken, as hon. Mrs Perraud has said, and I believe that the function was also recorded, but, fortunately, my picture does not appear with Mr Alvaro Sobrinho.

(Interruptions)

Like hon. Mrs Perraud, like...

(Interruptions)

Yes...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Hon. Members!

(Interruptions)

Hon. Members!

(Interruptions)

Hon. Rutnah, please proceed!

Mr Rutnah: Mr Deputy Speaker, Sir, it is okay. They want to shout. The reason I say this is because hon. Adrien Duval went on radio and said “none of the PMSD MPs have ever been any close.”

(Interruptions)

None of them! That is why...

(Interruptions)

The Deputy Speaker: Hon. Rutnah!

(Interruptions)

Mr Rutnah: And then now, hon. Mrs Perraud made a remark. That is why I came up with it.

(Interruptions)

The Deputy Speaker: Order, please!

(Interruptions)

Hon. Rutnah!

(Interruptions)

Order, please! Hon. Rutnah, I will invite you to come back to the Bill!

(Interruptions)

Mr Rutnah: I am on the Bill. I just reacted to...

(Interruptions)

I just reacted to hon. Mrs Perraud's comment! Anyway!

Now, dealing with the point that I was on, Mr Deputy Speaker, Sir, at the end of that function, that man went off his trolley and made certain comments and because it was the end, I did not even hear what he said, but I did not subscribe to what he said. Now, that was plainly wrong and I spoke about it publicly.

(Interruptions)

If you did not read it...

(Interruptions)

...but they want to know here. I don't want to reply to them.

Now, dealing with the reference of hon. Mohamed to my friend hon. Tarolah, he chose to make comments while there is an investigation going on. I would not have. But, if I may remind hon. Mohamed when there were these problems at La Butte, when he went there and it became public, when he stood there and said in all his heated and passionate manner in which he said...

(Interruptions)

Yes, on the eve of Eid, like hon. Abbas Mamode is pointing out : « *taler mo faire bane Plaine Verte desane* »!

(Interruptions)

Taler mo faire bane Plaine Verte desane! What did he mean? What did he mean at that time? What did he want to do at that time? And that is why when we see this section of the Bill saying that "section of the public distinguished by race, caste, place of origin (...)", and we know the place of origin of Plaine Verte.

(Interruptions)

We know! He might make comments even here to stir racial hatred...

(Interruptions)

Yes, hon. Abbas Mamode! You do that all the time in the House! You might, from a sitting position, make comments but I know what you want to do!

(Interruptions)

But...

(Interruptions)

But, Mr Deputy Speaker, Sir...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Order, please! Hon. Rutnah...

(Interruptions)

Mr Rutnah: So, when...

(Interruptions)

The Deputy Speaker: Please address yourself to the Chair!

Mr Rutnah: Mr Deputy Speaker, Sir, when...

(Interruptions)

...when people make reference to a particular part of the country where we know the community lives there and says “*mo pou faire Plaine Verte desane*”, that was not warranted. I know hon. Mohamed might have done it in the heat of the moment. He became aggressive possibly because of his concern about the family bearing in mind it was the eve of a great festival. But that kind of conduct was not warranted because it could have just pushed the country to the verge of a big racial calamity and thankfully it did not happen. Then, on...

Mr Mohamed: On a point of personal explanation, I think he is right. It was uncalled for. I think the hon. Member is totally right.

(Interruptions)

Yes, he is totally right, it was uncalled for.

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: Yes, and hon. Mohamed as always reasonable and I am glad. Now, that I have dealt with this part of the Bill, I will go to the crux of the matter dealing with firstly, the Clause that deals with the Community Service Order. Mr Deputy Speaker, Sir, the Community Service Order is a mechanism by which the offender is asked to make good the loss suffered by the victim. It is victim-based. And we have this Principle of Restitution. So, the Principle of Restitution deals with the individual who became the victim, whereas Community Service Order deals with the community, that is, when the community feels that wrong has been done against the community.

Now, it is important not to simply, for all sorts of reasons, send people to prison. We can't continue to send people to prison for all kinds of offences. Prison in our country does not work. I have said it in public and now I will say it in the House that there are many people who get a fine they don't pay the fine deliberately so that they can go to prison. They say and the words that they use in Court are '*mo monter*'. They breach conditions. They don't comply. Why, '*mo envi monter*' means they want to go to jail. And why? Because in prison, we spend almost Rs800 a day on a prisoner! But those who commit crimes, we continue to send them for Rs800 a day to go and enjoy there. We will never be able to rehabilitate them. We will never be able to bring restorative justice.

What I suggest is to bring a law dealing with sentencing and punishment - Sentencing and Punishment of Offenders Act and by virtue of this Act people who go to prison should wake up early in the morning just like ordinary people, wake up early in the morning, make them work, make them become self-sufficient in prison, make them do community work, make them come under supervision to clean the drains, to maintain Government offices, to maintain all the tall buildings, the skyscrapers, make them build and at the same time make them learn in prison. But pay them for the work that they do.

(Interruptions)

Pay them for the work that they do...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Mr Rutnah: Then, out of the income that they derive, 25% for the victim, 25% save for them, 25% for their family, so that the family will not have to depend on Social Security, and 25% for them to save when they go back in community. Then, justice, fairness, restorative justice will reflect reality in the country. At least it is a starting point now and I congratulate my learned friend, the hon. Attorney General, to come with an expansion, to extend the fine from Rs30,000 to Rs50,000.

In relation to the second amendment, that is, clause 3 of the Act, Contempt in face of court, I listened very intently to hon. Baloomoody and the criticisms he raised. He was flashing a document of the Law Commission of England and Wales. I also have a document of the Law Commission of England and Wales. Chapter 5 of that Commission deals with contempt in the face of the court. Let me say how it is dealt with in England. I can provide a copy to my learned friend at a later stage if he wants to have a look at the document that I am referring to.

The present law deals with it like this. It says -

“5.2 Contempt in the face of the court concerns “some form of misconduct in the course of proceedings, either within the court itself or, at least, directly connected with what is happening in court”.

I see my learned friend is taking his graceful exit as soon as I start dealing with this area.

And then they deal with the proscribed conduct -

“5.3 The case law does not contain any comprehensive list of all forms of conduct which may amount to contempt in the face of the court, but in essence it is “conduct that denotes wilful defiance of, or disrespect towards, the court or that wilfully challenges or affronts the authority of the court or the supremacy of the law itself.”

So, we are here talking about conduct which is really irrepressible; conduct which you would not expect coming from any right thinking members of society when going to Court.

Now, his criticism was levelled to the extent that it was not compliant with Article 6 of the International Convention on Human Rights, which is now incorporated in the Human Rights Act in England and Wales. The document deals with this point. It says -

“How contempt in the face of the court may be dealt with

5.25 Some courts and tribunals may take action themselves in respect of contempts in their face. This may be as a matter of their inherent jurisdiction, or by virtue of specific statutory provisions. Other courts and tribunals may not take action directly, but an application for an order of committal for contempt may be made by the Attorney General to the Divisional Court.”

So, this is how it is dealt with in England. It is not dealt with just summarily. It is not dealt instantaneously in the court where the contempt has taken place, because England being England, fair, just, equitable. Mind you, England has a history of evolving in their law, in their constitutional principles, whereas we are still stuck back in time, when the British left in 1968. And that is why, even though we have the report of Lord Mackay since 1997, we have not paid heed to that report since 1997 despite the fact that there were successive governments in power. And most importantly, for 14 years the Labour Party was in power. For 14 years, none of the recommendations of the Mackay Report was put into practice in Mauritius or changes brought into this Parliament so that enactment or amendment could be made in the Parliament to align ourselves with the recommendations of Lord Mackay.

But pursuing my argument in relation to this area of criticism raised by hon. Baloomoody, look at the provisional proposals for reform in relation to Crown Court, because in England we have got Magistrate Court, Crown Court, Divisional Court, Court of Appeal, and then we have the Supreme Court. So, we are dealing with the Crown Court. Those who offer this put three opinions forward for consultees’ consideration.

The first is to leave the law as it is and leave the common law to resolve difficulties if they arise. So, leave it as the common law principle guided to deal with cases of contempt.

The second option is to abolish the common law completely, to deal with contempt in the face of court itself to create new statutory power for the Crown Court to deal with such contempt, that is, to enact, to make new laws, statutory powers. And then, they go on to say that the new power could be modelled on section 12 of the 1981 Act and section 118 of the Courts Act. The option would bring about a large degree of consistency across Magistrates’ Court, County Courts and the Crown Court. Their statutory power would apply to Crown Court in all its jurisdiction. There is no justification for the Court’s power to differ depending on whether the case before it is a rehearing from a Magistrates’ Court, a trial or a civil matter.

And the third option is for a new statutory power applicable to both Crown Court and the Magistrates' Court, similar to, but clearer than the existing powers of the Magistrates' and County Court.

So, it is wrong to say that the law of contempt on face of the court is not compliant with Article 6 of the International Convention of Human Rights, which is now incorporated in the Human Rights Act of 2000 in England and Wales. That is plainly wrong, and if hon. Baloomoody wishes to have a copy, I can provide him with a copy.

Now, dealing with the issue of summoning witnesses, witness summons...

(Interruptions)

The Deputy Speaker: Hon. Baloomoody! Allow me to listen to hon. Rutnah!

Mr Rutnah: At least *la Cour suprême* is looking for me.

(Interruptions)

The Deputy Speaker: Order!

Mr Rutnah: But it is ok, Mr Deputy Speaker, Sir. When he was speaking, I was listening intently to him, but he is always discourteous. So, it does not matter.

(Interruptions)

The hon. Member is not either!

Mr Deputy Speaker, Sir, we have seen the irrepressible conduct of hon. Baloomoody when you were chairing once.

The Deputy Speaker: Hon. Rutnah! Please stop.

Mr Rutnah: Anyway! Let me now deal with summons to witnesses. Of course, there is a problem, and this problem is cases being adjourned, cases being religiously postponed because witnesses have failed to attend. Now, all counsels know that sometimes Police Officers cannot attend the Intermediate Court because they are required to attend the Supreme Court. Sometimes, they are at Magistrates' Courts and they are required to attend to the Intermediate Court.

This phenomenon is not since 2015 or since we came into power. In 1968, when the British left, there were hardly 100 people going to Courts in a month and all the Magistrate Courts, at that time, they were equipped to deal with 100 cases a month. Now, we have got

100 cases in half a day in one Magistrate Court. We have hardly trained and recruited Magistrates in this country since 1968. We still recruit Magistrates from having two years call to the Bar, without proper training and then load them with work to such an extent that sometimes you feel sorry for the Magistrate who sits on the bench. The amount of contraventions they have to deal with in a day and then to hear trial, then to do sentencing, then to write judgement. But this will not just be cured by pressing a button, it requires a complete reform of the justice system, which I have been talking about since 2010, when I came to start practising in Mauritius after having work for a number of years in England and Wales, and after having worked for a number of years in the United States of America.

When I was talking in 2010, I even faced victimisation, but now I am glad, many people realise that there is a problem with the system and the system cannot be simply cured like this because it has cropped up since 1968 up to now. 50 years! What should we do? We should set up what we call a Plea and Case Management Hearing. At the Plea and Case Management Hearing, you manage the case, you set down dates for disclosure of evidence, you set down dates for defence case statement to be submitted, you set down the timetables, you fix the case for trial, pre-trial hearings so that the Magistrate or the Judge who is going to listen to the case is sure that, on the date the trial is fixed, all pre-trial protocols have been adhered to and everybody knows that their diaries should match the date on which the trial has been fixed. This is why when you practice as a lawyer in England and Wales, you hardly get a postponement or an adjournment. Why? Because the Plea and Case Management Hearing resolve both of those difficulties!

I understand, Mr Deputy Speaker, Sir, that my very able and learned friend, the hon. Attorney General, will soon bring into this Parliament the equivalent of the Police and Criminal Evidence Act, which I understand, they will call it the Criminal Justice Act. I am sure in that Act there will be provision for a disclosure of evidence regime and I am sure by virtue of legislating that Act we will have a system of Plea and Case Management Hearing. So, the good administration of justice is coming slowly but surely. In three years, we cannot resolve the problem that we have accumulated for 50 years since 1968.

So, when the equivalent of pace will come, there will be a disclosure regime. There should be in that law the provision for a regime for defence to submit a defence case statement and also that will enable the Magistrate or the Judge to fix trial to ensure that witnesses would be present. If then witnesses are not present, they should be aware that there

is provision in our law and they will have to suffer the consequences as enunciated in Section 77 of the Act, which is today, clause 3 of the Bill.

Now, dealing with Clause 4, the Criminal Appeal Act, in relation to time spent in custody by appellants and I will also, at the same time, propose to deal with Clause 6 dealing with similar provision of deduction of time spent in custody. It is only human rights compliant that people who spend time in Police detention and in custody that that time should be deducted from their sentence.

Mr Deputy Speaker, Sir, out of many lawyers in this country, you will know it because you have personal knowledge of this area of our Jurisprudence, the case of Callachand in 1988 set precedent in our country. But was that precedent ever applied in our law, was that precedent ever applied by our Judges, by our Magistrates in our Courts? Hardly! Hardly, until you were Counsel in the case of Ajay Dookee v The State. The case of Ajay Dookee v The State is the case that really set the engine for consideration to be given for time spent in custody. I had a copy of Ajay Dookee, but I cannot find it at the moment; but just by way of reference, Ajay Dookee is the judgement of the Privy Council, which I have said earlier on, you were yourself Counsel and there are some very important comments in this judgement, at paragraph 12, in relation to what the DPP's stand was. The Law Lords say this –

“I may note that at this stage that the DPP has conceded from the outset of this appeal that the appellant is similarly entitled to credit for the whole of the 31 months spent in custody pending his appeal in the present case”.

The real question arising here is how to deal with the 14 months earlier spent by the appellant in custody. Awaiting trial, this question as to the proper approach to time spent in custody awaiting trial was considered by the Board in Callachand v The State. So, the DPP quite properly and fairly conceded before the Law Lords that time spent in custody should be given back. The Board then noted that despite Callachand, the Courts in Mauritius were reluctant to grant credit to those who have spent time in custody. So, your appeal to the Board plunged the dagger really in a system that was not human right compliant.

Then, later on, we came to know about the judgement in the case of Kamasho.

The Deputy Speaker: I want to share that, time spent at that time, that is, pre-trial remand was not being deducted only remand pending appeal that was deducted.

Mr Rutnah: Yes, but then when Kamasho came pre-trial and also when on appeal that also deducted. So, we have today - and I am grateful for your assistance, people on the other side might laugh because probably they are not even understanding, the evolution of the jurisprudential process that is going on in our sentencing system in the country, so, they may laugh, because for them nothing is serious in this Bill.

The Deputy Speaker: Please! Hon. Quirin!

Mr Rutnah: Especially, the hon. Member who is making comments, we know what will he understand about sentencing!

(Interruptions)

And he threatens all the time. As if he is the thug in the House.

The Deputy Speaker: Hon. Rutnah, let's concentrate on the Bill.

Mr Rutnah: Yes, but he should not threaten me. He should not be threatening me, Mr Deputy Speaker, Sir. Hon. Quirin should not be threatening me.

The Deputy Speaker: Hon. Rutnah, please, address the Chair!

Mr Rutnah: Mr Deputy Speaker, Sir, hon. Quirin should not be threatening me.

(Interruptions)

The Deputy Speaker: Hon. Quirin, please allow the business of the House to proceed. Hon. Rutnah!

Mr Rutnah: I am grateful, Mr Deputy Speaker, Sir, to bring him to order.

(Interruptions)

The Deputy Speaker: Hon. Baloomoody!

(Interruptions)

Order please!

(Interruptions)

Hon. Baloomoody, let's allow the business of the House to proceed.

(Interruptions)

Hon. Rutnah, please come to the Bill! In fact, you are right that the legislature is intervening at a point which is very late in time. I had to go to Court and to fight the battle, the uphill

climb battle for Human Rights in this country, especially regarding persons who spent years on remand.

Mr Rutnah: Mr Deputy Speaker, Sir, I was being interrupted, so now we have got an Attorney General who has listened. He has listened to the Mauritius Magistrates Association. He has listened to the Law Reform Commission. He has listened to...

(Interruptions)

The Deputy Speaker: Hon. Abbas Mamode, please!

Mr Rutnah: He has listened to the judgement of the Supreme Court of Mauritius. He has paid attention to the judgement of the Privy Council; he has paid attention to the Court Ushers Association, before bringing these amendments to this National Assembly today. And we are going to say that we are not serious? The Government is not serious? There is lack of credibility in the Government as my friend, hon. Mohamed said earlier on?

No, we are doing everything possible that many Governments or the Government who was in power for 14 years and hardly did anything other than just closing the Parliament for 9 months, we all remember. So, we cannot be today accused of being lack of credibility, not serious, not a Bill that is not addressing the proper administration of justice, that's wrong and, in fact, dealing with the sentencing, time deduction. After the enactment of the Criminal Justice Bill which is equivalent to the Police and Criminal Evidence Act, I also anticipate that the hon. Attorney General will come up with a mechanism to suggest a Sentencing Guideline Council.

A Sentencing Guideline Council will bring uniformity to how a convicted person should be dealt with in *consimili casu*, that is, in similar cases. So, firstly, I propose that we should have –

- (i) a Sentencing and Punishment of Offenders Act;
- (ii) the introduction of the PCMH, the Plea and Case Management Hearing;
- (iii) a Sentencing Guideline Council to deal with effectively the administration of justice.

And we know that the Bill is coming in the House very soon that will try to introduce these aspects of administration of justice.

Now, let me deal with 'outrage against public and religious morality'. I will not go again to the racial hatred bit, but it is important for people to understand that we live in a multiracial country, in a multicultural country. And we are the only island in the world where

we are really an *arc-en-ciel* nation. We don't have civil wars here based on race, on caste, on communities, on place of discrimination on the basis of place of religion. So, we cannot allow people to interfere with our peace, our liberty that we enjoy in this country as a nation.

As one people and one nation, especially that we have come to celebrate very recently the 50 years of our independence "*lamain dan lamain*" irrespective of your caste, community, race or place of origin. So, we have to preserve this and we need law for that.

In relation to Clause 6, I have spoken about the reason for which we get clogged in the Magistrate Court and the Intermediate Court. I anticipate the comments that I have made today will be taken on board and true it is that three counts on an information at a Magistrate Court is not sufficient when you see the number of cases that are dealt with in a Magistrate Court today.

But I am also aware, that we are going to build a new Court House in Port Louis. I am also aware that the District Courts will be re-organised, new buildings will be built. The buildings that have not been maintained since 1968, which today lie in ruin, for example, in Mapou, in Pamplemousses, in Moka, in Souillac, in Bambous, in Curepipe and in Flacq. Those buildings should have been maintained because they are *patrimoines*, but what have we done? When you look at them, we have not even taken a pot of paint since 1968 to actually paint the door at least. But at least we are going to build the new buildings, we are going to maintain, but in three years, we can't do everything that have not been done for ages.

Mr Deputy Speaker, Sir, there are other provisions in the Bill which, as a whole, I must say, modernise our system, modernise the law that has remained stagnant and constant since many years. So, as far as I am concerned, the hon. Attorney General should be given credit for the amendment that he has brought to this House today. And it is a stepping stone towards the modernisation, the overall reform of our justice system; to make it fair, equitable and human rights compliant.

On this note, I thank all hon. Members who have paid attention to what I have said, and thank you for giving me the opportunity to intervene on this Bill.

The Deputy Speaker: Hon. Dr. Boolell!

(7.49 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Mr Deputy Speaker, Sir, the object of the Bill has been clearly spelt out and many proposals have been made as how best to improve the administration of justice. There have been many valuable

proposals. And, in fact, these proposals have been made at a time when the administration of justice is facing serious and difficult challenges to offer a better service, not only to litigants, but to the general public, and we have registered complaints, from what we have heard, from the Bench, from lawyers, from ushers, supporting staff. In fact, if I may say so, there is hue and cry.

After listening to all our friends, it stands to reason that the demerits of this Bill far, far outweigh the merits of the Bill. The hon. Attorney General and Minister of Justice, Human Rights and Institutional Reforms has deemed it fit to propose reform in a very piecemeal and superficial manner. And yet, he had an opportunity, and it was an opportunity which was knocking because there have been many reports produced by the Law Reform Commission. Instead of coming with a comprehensive legislation, what we have, Mr Deputy Speaker, Sir, is a confetti Bill. And what is being done is the introduction of amendments to legislations which are antiquated. If I refer to the Criminal Code, I think it dates back to 1838.

The Deputy Speaker: 1838 but in force early 1839.

Dr. Boolell: Okay, 1839. I stand guided by your great acumen. And if we refer to certain sections of the Bill, they are vestiges of colonialism. I refer to the Criminal Procedure Act, which dates back to 1888. The District and Intermediate Courts Act...

(Interruptions)

No, this is 1888. The other one was 1853. And then, when we come to Criminal Appeal and Criminal Procedure, as recent as 1955. So, if the hon. Minister was earnest and there was seriousness of purpose, what I would have expected the hon. Minister to do was to go and meet our friends from the Law Reform Commission. They have already produced report after wide discussions at the bar of public opinion. Of course, there have been full-fledged consultations on full review of the Criminal Code and Criminal Procedure. So, it was a golden opportunity for the hon. Minister to come with legislation which would have been completely, overall comprehensive legislation, and this is the way forward in improving the administration of justice.

Mr Deputy Speaker, Sir, of course, I am not a lawyer, but I have tried to do my homework in interacting with people who have the acumen, and I have made it a point to listen to all those who can unravel and intricately dissect the provisions of the Bill. What have I been told? That clauses 3, 4 and 6 are mere cosmetic changes since these matters have already been amply dealt by pronouncement of the Supreme Court and the law is well

established. By enacting legislation in an area of the law which has been established by case law, there is always the risk of impeding the evolution of the law; a matter which would have been left to the Court to see how best the law should evolve if required.

I know the hon. Minister did make a comment in respect of clause 3 to justify the amendment which he is bringing. But when we talked to people as learned as the hon. Attorney General, what was I told? That clause 3, which deals with procedures relating to contempt in the face of the court, is superfluous since the Supreme Court already has an inherent jurisdiction to monitor its process to ensure that there is no contempt whilst carrying on its proceedings.

Similarly, under clause 7, the issue of credit for time spent in custody is already established in the decisions of the Supreme Court. And the Supreme Court has in effect implemented the decision of the Judicial Committee of the Privy Council, which had decided that, in appropriate cases, a full credit to the time spent on remand may not be necessary. The amendment, by providing for a full credit for time spent on remand, now puts into question the decisions of the Supreme Court and we have consequences on the numerous cases already decided by the Supreme Court where the credit given was 80%. These are the views expressed by those who are learned and who have intricately looked at the provisions and have unravelled and unbundled those provisions.

In respect of clause 6, there is no difference since the procedures for sentencing are all provided for by the various pronouncements, again of the Supreme Court, and the amendment has nothing, if only an unnecessary codification of rules, which should have been left to the discretion of the courts as to how these rules should evolve if needed in the interest of justice.

Mr Deputy Speaker, Sir, again, in respect of provision for a new section 135A of the Criminal Procedure, I have been told that it is a useless addition because the power already exists under the Constitution.

Mr Deputy Speaker, Sir, this morning, I had a call from a lady who is desperate, hails from low socio-economic group. She committed an offence and was sentenced, and has to pay a fine of Rs5,000. She is desperate, looking all over the place to all those who are willing to help her. I did ask her, don't you work. I have to find a job, she said, I have two kids to look after. And she had being given eight days to pay her fine.

I do agree that, for every offender there is also a victim. But I ask the Minister of Justice, why is it that in this particular case, can't we not give her ample time to pay a fine? And we are talking of people from low socio-economic group, who are as vulnerable as those from high socio-economic group, who can commit an offence just probably to come to the rescue of the kids. I think there is call to be humane and to act in a humanely manner. The law is an ass, but we should not be made fools, because we can interpret the law in different ways and means. And, therefore, I will come to an issue which I think is very sensitive. I rather feel sad and disappointment that the Bill has not catered for the rights of victims and it is precisely at the time of sentencing, the Bill could have made provisions for victims of crimes or the relatives to be offered the possibility to address the Court at the time of sentencing by what is often referred to as Victim Impact Statement. It is written or oral, presented to the Court at the sentencing of a defender. Victim impact assessments were created as an opportunity for a Judge to hear how criminal action has affected the victim or the family of the victim.

Similarly, as regards victims of crimes who are witnesses, there exists no protection scheme. The law does not look at the specific aspect of witness intimidation and witness protection. We are not looking at why the witness is not attending Court. How can we make use of the evidence of the intimidated witness and how to protect vulnerable witnesses? How do we expect witnesses in serious drug cases to come forward, if there are no safeguard as to their security?

What about evidence of children in sexual cases, Mr Deputy Speaker, Sir? Can we not make use of new procedures for examination of these witnesses, such as examination outside Court, or cross examination through Court? Is the hon. Minister aware that many cases involving sexual abuses of children are being abandoned since the victims simply don't feel secure to come to Court?

We must remember, Mr Deputy Speaker, Sir, that behind every crime, there is a victim. And what is the fate of the victim once he or she reports the crime to the Police? Unlike the case for the accused party, by and large enjoys a plethora of rights expressly listed in the Constitution. Our laws are, say, for a few exceptions, silent as to the treatment of victims in the criminal justice process.

To start with, once a crime is reported, the State takes over from the inquiry to charging and prosecuting the offender. The victim unfortunately is a mere bystander and is

kept in the dark as to the progress of the inquiry. The victim is never told whether the offender has been granted bail, nor is there any concern for his or her safety. These are the harsh realities, when you talk to victims. The offender, of course, is presumed to be innocent. This presumption of innocence, try explaining this to a victim of rape, Mr Deputy Speaker, Sir. This is little time or concern about the emotional, physical, financial effects of the crime on the victim and on the family.

And, of course, as has been stated by many of our friends, the victim will eventually be called in the event of a trial to testify in Court, probably after two, three years, and you can understand the agony that the victim goes through, and it will be probably his first or her first encounter with the justice system, and imagine being in the precinct of the Court, going to be cross examined by learned lawyers like you. You probably can tear the victim to pieces who is witness, Mr Deputy Speaker, Sir. He will be subject to ruthless cross examination, and yet, he demands respect, should earn respect, is entitled to respect, because this is what justice is all about. There is a code of ethics. Tearing a victim who is a witness apart does not help in the cause of justice. If anything it is a derelict of justice, Mr Deputy Speaker, Sir. This is why we say it is a second case of victimisation.

For that matter, many jurisdictions around the world, including Australia, United States, South Africa have walked the extra mile to restore what we call the equality of arms in the treatment between the offenders and the victims. The Republic of Kenya, in its 2010 Constitution, has enshrined constitutional provision, placing an obligation on its Parliament to enact legislation providing for the protection rights and welfare of victims of crime. Section 50 (9) Kenyan Constitution!

The Charter of Victims' Right and Declaration of Principles governing the treatment of victims adopted in Australia provides for rights to treat patients with courtesy, respect and compassion.

Similarly, in the United States of America, it has enacted the crime victim's right for a number of unforeseeable rights, most notably the right to be reasonably protected from an accused party; the right to restitution under the law; the right to notification of public Court and parole proceedings and of any release of the accused; the right not to be excluded from public Court proceedings under most circumstances; the right to confer with the prosecutor, Mr Deputy Speaker, Sir. The right to proceedings free from unwarranted delays and the right to be treated fairly and with respect to one's dignity and privacy.

In England, the Crown Prosecution Service implementing the EU directive establishing minimum regards on the rights and support of victims of crimes, provides for a right for victims to be informed of prosecution decision and to have such decisions review. The review is entirely fresh examination of all evidence and circumstances of the case.

Finally, Mr Deputy Speaker, Sir, much has been said in respect of Section 206 of the Criminal Code, outrage against public and religious morality and Section 282 of the Criminal Code stirring up racial hatred. And we feel that there is a need to come with legislation which is to be overhauled. With the constant breakthrough in technologies, Mr Deputy Speaker, Sir, the law becomes an ass if we don't constantly update it. Many of our friends have intervened, have talked of living in a multiracial, multicultural society. The reason as to why we have to err on the principle of caution, why we have to keep our tongue in our cheek and not to pull it out for reasons which are best to ourselves, Mr Deputy Speaker, Sir.

We are called upon to have a culture of restraint in a country which is multiracial, multiethnic and we have to tread cautiously, as my good friend has stated, news travel fast and bad news travel faster. Only this morning, we were told that our country had a huge setback in respect of our reputation. It is up to us to be on the repair, to be on the mend and that is why I make an appeal to the Minister of Justice, Human Rights and Institutional Reforms to come with legislations which are comprehensive and not to go by way of confetti. We are not here, Mr Deputy Speaker, Sir, to spill casting sugar on the heads of our leaders, but we live in a world which is real and not virtual, and if we want to empower people, we have to respond to the needs of the people and there is no better way to do it than to come with justice which is fair, equitable and justice which is not unnecessarily delayed.

Thank you very much.

(Interruptions)

The Deputy Speaker: Interesting speech! Hon. Mrs Selvon!

(8.10 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): M. le président, le *Contempt of Court* est un délit qui nous vient de nos traditions légales originaires d'Angleterre et aussi de France, des traditions qui sont censées protéger l'autorité judiciaire. En France, M. le président, l'Article 433-5 du Code pénal stipulent ceci, je cite –

« Constituent un outrage puni de 7 500 euros d'amende les paroles, gestes ou menaces, les écrits ou images de toute nature non rendus publics ou l'envoi d'objets quelconques adressés à une personne chargée d'une mission de service public, dans l'exercice ou à l'occasion de l'exercice de sa mission, et de nature à porter atteinte à sa dignité ou au respect dû à la fonction dont elle est investie. »

A Maurice l'autorité publique en général a perdu beaucoup en respect et en autorité en raison d'un laisser-aller qui ne cesse de s'aggraver à divers niveaux et pas des moindres. Ainsi nous pouvons nous féliciter que la branche judiciaire de l'État a en comparaison conservé sa dignité et son autorité et cela grâce à son professionnalisme et à sa rigueur. Ce qui fait que nous avons tous confiance au moins dans nos juges et nos magistrats.

Dans notre Constitution que nous a léguée Sir Seewoosagur Ramgoolam, le père de la nation il y a 50 ans, nous avons heureusement de solides garanties de l'indépendance du judiciaire et du *Director of Public Prosecutions*. Mais c'est vrai aussi et je suis d'accord que la protection du judiciaire par les lois sur le *Contempt of Court* doit être davantage renforcée. Dans ce contexte, ce projet de loi vient avec raison aider les tribunaux à faire leur travail dans l'ordre et le respect strict de la discipline. Mais il n'y a pas que cela. Il y a aussi dans ce projet de loi des amendements nécessaires pour rendre plus accessible le système de *Community Service Order*.

Toutefois, à part les amendements tout aussi nécessaires au *Contempt in face of the Court*, je note que les amendements touchent superficiellement et insuffisamment trois vieilles lois existantes sur le *Contempt of Court* très critiquées par les juristes mauriciens et étrangers, y compris le *Privy Council* et le grand juriste des droits humains mondialement connu, Sir Geoffrey Robertson, QC dont un rapport dénonçant les lois scélérates sur le *contempt* venues d'un autre siècle dort au bureau du Premier ministre depuis plusieurs années. Ces lois sur le *contempt* datent de 1838, 1853 et 1945 comme suit –

- Le Courts Act of 1945 ;
- Le Criminal Code of 1838 , et
- Le Criminal Procedure Act of 1853.

Nous aurions pu nous inspirer du jugement du *Privy Council* dans l'affaire Dharmanand Dhoocharika. Ces lois désuètes doivent être dépoussiérées surtout à la lumière de ce jugement du *Privy Council* cassant un jugement du judiciaire mauricien qu'il a jugé injuste contre le journaliste et alors Rédacteur en chef Dharmanand Dhoocharika pour une interview

et un éditorial et poursuivi pour l'offense de *scandalising the Court*, une forme de *Contempt of Court*. Malheureusement, la loi qui est devant nous, ne reflète pas les réflexions des *Law Lords* sur la nécessité d'une défense fondée sur la bonne foi de l'accusé et son droit de journaliste et de citoyen de critiquer *in good faith*.

Dans l'affaire Dhoocharika, Lord Clarke écrit ce qui suit dans une leçon de démocratie destinée à l'île Maurice et du même coup à tout pays refusant une défense dans un délit de *contempt* en définissant clairement ce qu'il appelle '*the limitations of the offence*', je le cite –

“In Ambard v Attorney General for Trinidad and Tobago [1936] AC 322, Lord Atkin, giving the advice of the Board in another well-known judgment, after quoting the passage from McLeod v St Aubyn cited above, stressed the limitations of the offence at p 335:

‘But whether the authority and position of an individual judge, or the due administration of justice, is concerned, no wrong is committed by any member of the public who exercises the ordinary right of criticising, in good faith, in private or public, the public act done in the seat of justice. The path of criticism is a public way: the wrong headed are permitted to err therein: provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism, and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men.’

Mais M. Dhoocharika fut jeté injustement en prison en 2011 mais sa condamnation fut heureusement cassée et aujourd'hui, depuis ce choc violent d'un emprisonnement injustifié, il est terrassé par une maladie qui l'a cloué au lit attendant en vain dans la précarité chez lui à Goodlands un accord de l'État mauricien pour un dédommagement suite à un papier timbré servit par lui aux autorités qui jusqu'ici continuent à ne lui faire que de vaines promesses d'une compensation pour ses malheurs depuis 2011.

Il est bon de rappeler ici qu'il est obtenu que les *Law Lords* cassent un jugement de la Cour suprême contre lui en précisant que c'était à la poursuite de prouver s'il avait écrit, *in good faith*, ce qui ne fut pas le cas durant le réquisitoire. Cette famille de Goodlands, que je connais très bien, ne méritait pas un tel sort. Le gouvernement refuse donc de définir ce que

Lord Atkin avait appelé ‘The Limitations of the Offense’, nécessaires dans une démocratie moderne.

Pour conclure, M. le président, je constate que le projet de loi, en dépit de certains côtés positifs, ne va pas dans une direction démocratique, comme le conseillent le Privy Council et Sir Geoffrey Robertson, et maintient donc un concept dépassé du *contempt of court* datant des siècles passés ; le gouvernement ayant refusé de suivre le concept moderne propre aux démocraties plus avancées que nous. Ainsi le *contempt of court* méritait bien une réforme plus éclairée et profonde pour la défense du droit de critique exercé de bonne foi.

Enfin, je remercie la Chambre pour m’avoir écoutée, tout en souhaitant que, dans un proche avenir, cette réforme, pour nous mettre au diapason avec le 21^{ème} siècle, pourra se faire.

Merci.

The Deputy Speaker: Thank you, hon. Mrs Selvon! Hon. Rampertab!

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

Mrs Boygah rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

(8.21 p.m)

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 17 April 2018 at 11.30 a.m.

The Vice-Prime Minister, Minister of Local Government and Outer Islands rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

Hon. Mahomed!

MATTERS RAISED

TRANQUEBAR - SERGE BARDOTTIER FOOTBALL PITCH - RENOVATION

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir. The issue I would like to raise...

The Deputy Speaker: Hon. Osman Mahomed! I will have to remind hon. Members that we have a long list of hon. Members who wish to intervene at adjournment time. So, time will be very limited.

Mr Osman Mahomed: Yes, I will try to be very quick.

The issue I would like to raise this evening pertains to the Serge Bardottier football pitch at Tranquebar, and it is addressed to the hon. Prime Minister, also responsible for NDU, for which a commitment was taken on 04 July 2017 following PQ B/460 of mine for works to be undertaken on the lighting, changing room and also the step terraces, meaning *lumières, gradins et vestiaires*, respectively costing Rs3 m. and Rs3.5 m, and for which works for the lighting were to be completed by mid of January this year. But, Mr Deputy Speaker, Sir, nothing has been done so far. Not even site mobilisation.

So, my appeal to the hon. Prime Minister this evening is to kindly look into the matter and to request the NDU to expeditiously start the work for which commitment was taken in the House, for the sake of the inhabitants of Tranquebar.

Thank you.

The Deputy Speaker: Hon. Deputy Prime Minister!

The Deputy Prime Minister: I will transmit this to the hon. Prime Minister and will look into it.

The Deputy Speaker: Hon. Ganoo!

CHOISY VILLAGE – WATER SUPPLY

Mr A. Ganoo (First Member for Savanne & Black River): Thank you, Mr Deputy Speaker, Sir.

M. le président, je voudrais interpellier le *Deputy Prime Minister* et ministre de l'Energie et des Services publics au sujet d'un problème d'eau qui affecte gravement une localité de ma circonscription.

Dans le sud-ouest du pays, surplombant le village de Baie du Cap, M. le président, juché sur une colline, se trouve un autre petit village, le village de Choisy, qui est sur la route qui vous mène de Baie du Cap à Chamarel. Cette localité, où habite une centaine de familles, souffre d'un problème chronique d'approvisionnement d'eau. Tantôt les robinets coulent à sec, tantôt, pendant les grosses pluies que nous avons reçues trop souvent récemment, c'est une eau noirâtre qui provient de ces robinets. Malgré tous leurs efforts, hélas, les choses sont toujours au beau fixe.

Je fais un appel pressant donc au ministre des Services publics d'enquêter sur cette situation qui cause autant d'inconvénients et de souffrance aux habitants de ce village. Et j'espère qu'il traitera cette affaire avec toute la diligence requise.

Je vous remercie, M. le président.

The Deputy Speaker: Hon. Deputy Prime Minister!

The Deputy Prime Minister: Thank you. Well, first of all, I thank the hon. Member for the advanced notice that he gave me of this matter, which has enabled me to find a response to this problem.

What I have been told by the CWA is that the upper part of Choisy is supplied by a borehole which is found on private property. And during the rainy period - and we have had a lot of that lately -, the water tends to turn muddy.

This water, apparently, is being pumped into a storage tank to supply the inhabitants, but is being exhausted very early in the day. Now, to alleviate this, two to three tankers are being sent daily to replenish the tank in addition to the water from the borehole. The lower part of the village, including a village called Contour Prune, is being supplied by Mont Blanc Reservoir. That is all I can say for the moment. Thank you.

The Deputy Speaker: Hon. Uteem!

SME MAURITIUS – RODRIGUES STAFF- INCREMEENT

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir. I would like to raise a case of discrimination. The question is addressed to the hon. Minister of Business, Enterprise and Cooperatives.

As the House knows, in January 2018, when former staffs of SMEDA were given an option to either be redeployed or go to SME Mauritius, they were told that those staffs that opt to join SME Mauritius would get a salary equivalent to the basic, plus compensation, plus three increments.

Now, 10 people from SMEDA joined SME Mauritius: seven from Mauritius, three from Rodrigues. The seven Mauritians got their three increments, but the three brothers in Rodrigues did not get their increment. So, this is a blatant case of discrimination by SME Mauritius against Mauritians who live in Rodrigues. Not only is it a case of discrimination, but it is also a case of breach of contract, because the contract told them that they were going to get three increments.

So, I will urge the hon. Minister to seriously look into this matter and take whatever exemplary sanction that he thinks he should take against Board members and the CEO who have taken the decision not to pay employees of Rodrigues their three increments.

Thank you.

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Mr Deputy Speaker, Sir, I will look into that.

The Deputy Speaker: Hon. Baloomoody!

TRADE UNIONISTS - HARRASSMENT

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir. My intervention today is addressed to the hon. Minister of Labour, Industrial Relations, Employment and Training.

Mr Deputy Speaker, Sir, for the last nine months, we have seen a systematic attack by managers of Parastatal Bodies, Prison, Police on trade unionists.

In the Police section, the president has been harassed by the Police whenever he does and acts in his capacity as a trade unionist. In the Prison, the Secretary General of the Union has been called before a Disciplinary Committee for acts he has done as a trade unionist.

In the Irrigation Authority, same! The secretary has been suspended. Now, there is a Committee to investigate actions they have taken as an office bearer of trade unions. We have had it at the Post office also. The president of a union has been suspended and he is under investigation for action he has done during a disciplinary hearing, for what he has said as a trade unionist in a Disciplinary Committee.

Yesterday, four staff, office bearers of the trade unions of the Casino have been suspended. They are called upon before a Disciplinary Committee for action they have taken in an industrial action. So, there is some problem. I think the hon. Minister should intervene because there is a sort of union bashing. I am not blaming the Minister. I am not blaming the Government, but action has to be taken. They feel they have the support of the Government! They feel they have the support of the Ministry and this is what they are doing, especially now with regard to the four staff of the trade unions for the Casino.

Thank you.

The Deputy Speaker: Hon. Minister of Labour!

The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn): I will call for an enquiry in all the cases which have been evoked. Thank you.

The Deputy Speaker: Hon. Quirin!

RESIDENCE GERANIUM, CAMP LEVIEUX – APARTMENT BLOCK - PETITION

Mr P. Quirin (Fourth Member for Beau Bassin & Petite Rivière): Merci, M. le président. Ma requête ce soir s'adresse à l'honorable ministre des Terres et du Logement et aussi à l'honorable ministre des Collectivités Locales.

Donc, j'ai en ma possession, M. le président, copie d'une pétition de Résidence Géranium, Camp Le Vieux à Rose Hill qui proteste énergiquement contre la construction d'un bloc d'appartements résidentiels sur un terrain qui fut dans le passé identifié pour l'aménagement d'espaces de loisirs, tels qu'un jardin d'enfants et d'un centre polyvalent. Cette pétition a été adressée au Secrétaire Permanent du ministère des Terres et du Logement le 26 mars de cette année.

Je dépose aussi, M. le président, copie de cette pétition. Je fais, donc, un pressant appel aux ministres concernés afin qu'on trouve une solution de façon à ne pas pénaliser injustement les résidents de cette région.

Je vous remercie.

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 respond accordingly.

The Minister of Housing and Lands (Mr P. Jhugroo): Mr Deputy Speaker, Sir, I will also look into the matter addressed by my hon. friend.

The Deputy Speaker: Hon. Hurreeram!

MAHEBOURG & PLAINE MAGNIEN - SALE OF LAND - AMENITIES

Mr M. Hurreeram (First Member for Mahebourg and Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. I wish to raise an issue which concerns the Ministry of Housing and Lands. In fact, my very good friend is also aware that we have issues in the Constituency where people are victims of unscrupulous people, who take advantage of loopholes in the law to create *Sociétés* and then sell portions of land that do not have basic amenities like water and electricity.

So, I urge my good friend, the hon. Minister, to bring the necessary amendments to the law so that people stop getting hooked by those unscrupulous people who try to sell them portions of land at a cheap price, which would not then have the necessary amenities.

Thank you.

The Deputy Speaker: Hon. Minister of Housing and Lands!

The Minister of Housing and Lands (Mr P. Jhugroo): Mr Deputy Speaker, Sir, this issue has been raised by my friend a few days ago. So, I am looking after this issue.

The Deputy Speaker: Hon. Rughoobur!

HOTELS – TAXI OPERATORS

Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the hon. Minister of Public Infrastructure and Land Transport and also to the hon. Minister of Tourism and it is in relation to the taxi operators in hotels.

This is the second time that I am raising this issue. Today, this issue, the unfair competition in those hotels with illegal operators, *la situation est intenable*. I am making a humble request to the hon. Minister. We got this issue of unfair competition.

But the second serious issue that these taxi operators in hotels are facing is the issue of taxi desk. The Cabinet has taken a decision that a taxi desk should be fixed in those hotels and there are some Resident Managers, who are on occupational permits in Mauritius, who are against the decision of the Cabinet, and I believe that this is not acceptable.

I am making a humble request to the hon. Minister to please look into the matter. Hotels in my Constituency, for example, like Paul & Virginie, Lux Hotels, whose Resident Managers, I believe, have to be taken to task. They should not forget that they are into occupational permits in this country. 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, I will certainly look into the matter. In fact, this was raised in Cabinet and we are expecting to have a meeting between the NTA, the Ministry of Public Infrastructure and Land Transport, and the Ministry of Tourism to address this issue.

Thank you.

The Deputy Speaker: Hon. Ramano!

MOTOR VEHICLES – DRIVING LICENCE

Mr K. Ramano (Third Member for Belle Rose and Quatre Bornes): M. le président, je vous remercie de me donner la possibilité d'intervenir à l'ajournement pour porter à l'attention du ministre des Infrastructures Publiques un sujet qui interpelle le pays et, bien sûr, cette auguste Assemblée avec les chiffres qui ont été publiés la semaine dernière concernant le nombre d'accidents mortels qui frappent le pays d'année en année. Nous sommes à environ 580 cas depuis 2014 et environ 45 depuis le début de l'année.

Un accident mortel est un mort de trop pour le pays. Aucune famille ne mérite ce traumatisme et cette souffrance de perdre un enfant. Il est un fait que nous avons un rajeunissement des victimes de la route, M. le président, et que bon nombre de ceux concernés par les accidents sont des personnes qui viennent de décrocher leur permis de conduire.

Mon appel au ministre aujourd'hui, c'est de considérer le bien-fondé de cette mesure qui permet à quelqu'un qui, quelques mois de cela, était détenteur d'un *Learner*, avec des restrictions précises quant aux restrictions d'accès à bon nombre de routes du pays ou encore la nécessité de la présence d'un moniteur accrédité pour pouvoir emprunter certaines routes. Et comme par magie, du jour au lendemain, M. le président, ce chauffeur, avec son permis, a le droit de faire face seul aux dangers que représentent les routes du pays, et ce même chauffeur - c'est un fait aujourd'hui - n'a pas la maturité nécessaire pour pouvoir faire face à ces situations.

Ma demande aujourd'hui au ministre, c'est de considérer la nécessité d'une conduite accompagnée d'au moins six mois pour ceux qui viennent de décrocher leur permis de conduire et de considérer cette période probatoire pour tous les chauffeurs parce que je considère que la maturité sur les routes est une question vraiment essentielle.

Je vous remercie.

The Deputy Speaker: Hon. Minister of Public Infrastructure and Land Transport!

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): M. le président, la question avait été soulevée la semaine dernière et il y a eu beaucoup de propositions et de suggestions. Nous sommes en train de revoir la législation dans sa totalité. C'est une idée à creuser un peu comme en ce qui concerne ceux qui vont être détenteurs d'un nouveau permis pour les motos. Ils ne pourront plus, par exemple, avoir accès à certaines cylindrées. Donc, il y a effectivement une période probatoire entre le moment où on était apprenti et puis on a le permis. Je pense qu'il faudrait peut-être sûrement considérer cette possibilité-là.

Je remercie mon collègue pour avoir fait cette proposition que nous allons considérer dans l'ensemble des débats et des discussions parce que nous allons venir avec de nouvelle législation en général.

Merci.

The Deputy Speaker: Hon. Tarolah!

AVENUE ECHASSIER, MEDINE CAMP DE MASQUE – FLOODING

Mr K. Tarolah (Third Member for Montagne Blanche & GRSE): Thank you, Mr Deputy Speaker, Sir. I want to raise a matter of construction of drains at Avenue Echassier at Medine Camp de Masque. It is a matter which needs to be tackled urgently. Since two years, each time there is heavy rainfall, the inhabitants of Avenue Echassier, Medine Camp de Masque suffer a lot because of flood where water enters their house causing a lot of damages to their furniture, foodstuff, etc. The Local Authority, that is, the District Council of Flacq, had already invested more than Rs200,000 in the construction of an absorption drain, but it has not solved the issue of flooding.

As per a survey conducted, the topography of the soil is said to promote water accumulation, and as per the inhabitants, the construction of a wall along the road is the cause

of the flooding as it has been constructed on a storm drain. I am tabling certain photographs to have a clear idea of the situation.

Furthermore, it has been established that the overflow of water from La Nicolière feeder canal is also a major cause of flooding in the region. Therefore, I am humbly requesting the hon. Deputy Prime Minister to look into the matter through NDU and the Land Drainage Authority to find an urgent solution to relieve the inhabitants of the said region.

The Deputy Speaker: Hon. Deputy Prime Minister!

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I thank the hon. Member for drawing our attention to this matter.

The National Development Unit informs me that the topography of the locality, especially with the Nicolière feeder canal, which is about 1.5 km from that site, is causing this flooding and overflowing. I understand that the District Council of Flacq has constructed an absorption drain to the tune of some Rs364,000 as a short-term measure. The District Council is taking up the matter regarding the overflowing of the Nicolière feeder canal with the Water Resources Unit.

As regards the construction of a wall, which has been erected by an inhabitant, the Council is seeking legal advice for necessary action. As a long-term measure, a major drain project is envisaged by the NDU to resolve the flooding problem at Avenue Echassier. However, in view of the complexity of the situation which may also involve the acquisition of private land, a thorough investigation will be carried out.

The Deputy Speaker: Hon. Adrien Duval!

CUREPIPE, GUSTAVE COLIN ROAD - DRAINS

Mr A. Duval (First Member for Curepipe & Midlands): Thank you, Mr Deputy Speaker, Sir. My address is both to the hon. Deputy Prime Minister and the Minister of Public Infrastructure and Land Transport.

There is a petition sent by inhabitants of Curepipe on the Gustave Colin Road and it is addressed to the Prime Minister, Deputy Prime Minister, the hon. Bodha and a long list of other Ministers and MPs.

There are three urgent matters to be resolved. The first one is the degrading of the sidewalks, *l'état impitoyable des trottoirs à la rue Gustave Colin*.

Secondly, the drains, as soon as there is a little bit of rain for 10 minutes or so, the drains will fill up and will cause flooding on the road. And the more worrying matter which is addressed directly to the hon. Deputy Prime Minister is that of the wastewater system which is always overflowing when there is rain and it lets out faecal matters on the street, a street which is used by pedestrians, school children and by many people every day. They are in a state of desperation because the fruitsellers on that road have to close when it rains because of the smell being created and nothing has been done yet. I will table the letter and I urge all those involved to please treat this matter as urgent.

The Deputy Speaker: Hon. Deputy Prime Minister!

The Deputy Prime Minister: Well, my young learned and very nice friend, the hon. Adrien Duval comes a little bit late in the day. Minister Toussaint raised that matter quite some time ago with Minister Bodha and myself, urgent...

(Interruptions)

No, everything has been done, don't you worry, go to the Constituency more often and you will see that we are doing the work and I can assure the House and the people of Curepipe that everything is under control. It is well being controlled.

Thank you.

The Deputy Speaker: Hon. Baboo!

HOSPITALS – POST-MORTEM - FACILITIES

Mr D. Baboo (Second Member for Vacoas & Floreal): Thank you, Mr Deputy Speaker, Sir. My question is addressed to the hon. Minister of Health. It is regarding the issue of post-mortem at Victoria Hospital.

As you know, on Sundays, there is only one hospital in Mauritius which undergoes post-mortem facilities. When we have a lot of cases, people have to wait. We know that they are *dans des situations pénibles*. I would make a request to the hon. Minister to see to it that post-mortem facilities are given to other hospitals also.

And secondly, at Victoria Hospital again, there is only one table to undergo post-mortem facility, that is, to put the dead body, there is only one table there for the doctor to

undergo the post-mortem. So, I would make a humble request to the hon. Minister to see to it that another table is added.

There is also a limited number of refrigerated boxes to keep dead bodies. I would request the hon. Minister to kindly look into the post-mortem facilities and the refrigerated boxes for dead bodies also.

Thank you.

The Deputy Speaker: Hon. Minister of Health!

Dr. Husnoo: Thank you, Mr Deputy Speaker, Sir. I appreciate it is a very difficult problem, especially when the relatives have to wait. Naturally, I will talk to the doctor who is in charge and see how we can do it in two hospitals, Dr. A. G. Jeetoo Hospital and Victoria Hospital.

As far as the facilities are concerned, I will look into it as well, for tables and things like that. For the refrigerated boxes, there is a major problem because we have 10 bodies which have been waiting for a long time. I talked to the Commissioner of Police last week to give us the permission so that we can bury those bodies. Some of them have been there for years, I think. I talked to the Commissioner of Police, myself; I think it was last week, to get the permission. Once I get the permission from the Commissioner of Police, then we can bury those bodies. That will leave us more space. So, I will look into it.

Thank you.

The Deputy Speaker: Hon. Ameer Meea!

MAIGROT STREET, CITÉ MARTIAL - BUILDING MATERIALS

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. I like when you are in the Chair.

(Interruptions)

My name was on the list.

Mr Deputy Speaker, Sir, I am addressing an issue in relation to the NDU, which is addressed to the hon. Prime Minister. In fact, there was a contractor of NDU for a site which is situated along Maigrot Street, Cité Martial. He has left the site for more than one month and all the building materials have remained alongside the road and it represents a danger for the people living there and also there are many big holes on the street which also represent a danger. So, I would urge to the hon. Vice-Prime Minister to take the necessary steps to remedy the situation.

Thank you.

The Deputy Speaker: Hon. Vice-Prime Minister!

Mrs Jeewa-Daureeawoo: I will certainly look into the matter.

The Deputy Speaker: Hon. Abbas Mamode!

BOIS MARCHAND CEMETERY – TASK FORCE

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the Vice-Prime Minister and Minister of Local Government and Outer Islands.

Ça concerne les différents cimetières gérés par l'Administration Régionale, surtout le cimetière de Bois Marchand. C'est complètement dans un état délaissé. Donc, on est à la veille de Meraj et Shab E Barat. Donc, je demanderai au ministre concerné de voir avec les différentes autorités locales.

(Interruptions)

I don't know if there is a task force, I am addressing my issue to the Vice-Prime Minister.

The Deputy Speaker: Hon. Vice-Prime Minister!

Mrs Jeewa-Daureeawoo: I find that very strange because there is a task force which is looking at all the issues and this task force is being chaired by the Prime Minister himself. We met last week and all the stakeholders were there, but no one mentioned about Bois Marchand and we are doing the needful to sort out all the issues that have already been raised. But, certainly, I will look at it and then respond to you.

The Deputy Speaker: Hon. Henry!

VILLE NOIRE BRIDGE – LIGHTING

Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir.

J'attire l'attention du ministre des Infrastructures Publiques sur l'état du pont de Ville Noire, aussi connu comme Pont Cavendish. Là où il y a le passage piéton, il y a tout un bois qui se lève et ça crée un danger pour les piétons. Le matin ça va, mais surtout le soir, parce qu'il n'y a pas vraiment de lumière sur ce pont, il y a des gens qui se blessent. Donc, je demanderai au ministre concerné de faire le nécessaire rapidement parce que ce pont est utilisé tous les jours.

The Deputy Speaker: Hon. Bodha!

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): M. le président, cette question a été soulevée ici, je crois. Donc, j'avais envoyé un ingénieur pour faire un rapport.

(Interruptions)

D'accord, on va voir ça.

The Deputy Speaker: Hon. Lepoigneur!

ASSOCIATION MAURICIENNE DE VOLLEY-BALL - MR K. T. - MEMBERSHIP

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): *Thank you, Mr Deputy Speaker, Sir.* J'ai deux requêtes. La première est adressée à l'honorable ministre de la Jeunesse et des Sports et la seconde à l'honorable *Deputy Prime Minister*.

Etant donné le scandale qui a secoué un peu le monde sportif tout récemment, surtout la réputation de Maurice étant en jeu au niveau national et international, j'ai appris que Monsieur K. T. *has step down* au niveau du COM, mais par contre il est toujours membre de l'Association mauricienne de volley-ball (AMVB), la zone 7, la Confédération africaine de volley-ball (CAVB), qui sont représentées par la FIVB. Je sais que l'honorable ministre n'a pas le droit de s'ingérer dans les affaires des fédérations, mais toutefois on peut faire une correspondance adressée à ces instances, leur demandant de faire *step down* ce monsieur le temps que l'enquête soit terminée. Je crois que c'est important, parce que le monde sportif est pratiquement en révolution par rapport à ça. Ce serait souhaitable, pour l'honneur du pays, que l'honorable ministre fasse une correspondance à ces instances.

The Deputy Speaker: Hon. Minister!

The Minister of Youth and Sports (Mr S. Toussaint): Merci beaucoup, M. le président. Je comprends tout à fait l'inquiétude de l'honorable membre par rapport au volley-ball. Étant donné que le président de la fédération se trouve lui aussi en ce moment au Gold Coast, soyez rassuré que c'était déjà dans mon intention d'avoir une conversation avec lui, une réunion avec lui à son retour, et de voir à ce moment-là quelle mesure que nous allons prendre justement par rapport à la réputation du volley-ball. Soyez rassuré cher ami !

**JUPITER & BOODHOO STREETS, MORCELLEMENT HERMITAGE – WATER
PIPE**

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Ma deuxième requête est adressée à l'honorable *Deputy Prime Minister*. Depuis février 2017, aux rues Jupiter et Boodhoo au Morcellement Hermitage, il y a un tuyau qui est cassé. Il y a eu plusieurs plaintes depuis février 2017. Cela n'a toujours pas été réparé. Hier matin, j'ai moi-même été sur les lieux pour voir l'état. Maintenant c'est l'asphalte qui est en train d'être soulevé par rapport à ça.

J'ai personnellement téléphoné au responsable de la CWA de la région. Il m'a dit qu'il va faire le nécessaire. Je ne sais pas si cela a été fait ce matin. Mais par contre, les habitants d'Hermitage sont très révoltés contre ça, depuis l'époque qu'ils ont fait des plaintes, c'est-à-dire depuis février 2017. Si l'honorable *Deputy Prime Minister* pouvait voir dans ce sens. Merci.

The Deputy Prime Minister: Je vais personnellement voir ce qui s'est passé et surtout pourquoi, depuis 2017, il y a eu des plaintes qui ne se sont pas résolues. C'est assez bizarre. Normalement, ça marche très bien. Excepté dans votre circonscription !

(Interruptions)

The Deputy Speaker: Hon. Mrs Perraud!

GANDHI ROAD, TERRE ROUGE – SEWRAGE

Mrs A. Perraud (First Member for Port Louis North & Montagne Longue): Merci. Donc, ce soir, moi aussi j'aimerais attirer l'attention du Premier ministre adjoint, l'honorable Ivan Collendavelloo, sur un problème lié au système tout-à-l'égout dans ma circonscription à Terre Rouge.

A Gandhi Road, Terre Rouge, il y cinq familles qui vivent un calvaire avec l'écoulement d'eaux usées dans leurs cours et aussi dans leurs maisons. Donc, les familles Edouard, Azie, Danny et Nattoo habitent à côté d'une station de traitement d'eaux usées. Il y a une pompe qui travaille en permanence et dessert toute la région. Cette station existe depuis plus de 15 ans. Avec les années, il y a eu de plus en plus de maisons dans la région de Terre Rouge. Donc, le traitement d'eaux usées de cette station est complètement saturé.

J'ai eu l'occasion de faire un constat. En temps de pluie, lorsque j'y étais, j'ai vu l'écoulement d'eaux usées, eaux sales avec des particules de matière fécale, et avec une odeur nauséabonde, qui ruissellent partout dans la cour et dans la maison. Cette eau s'accumule et s'entasse, et il y a une stagnation de cette eau dans les environs.

Cette situation ne prévaut pas qu'en temps de pluie seulement. Pendant ce week-end, les habitants m'ont appelée et encore une fois j'y suis allée. Et là, alors qu'il y avait un temps ensoleillé, il y avait le même ruissellement d'eaux usées, la même odeur pestilentielle. C'est le quotidien de ces familles. Des fois, elles ne peuvent pas préparer à manger dans leur cuisine et elles ne peuvent pas manger dans leur maison. Alors je fais un appel au gouvernement, je fais un appel à l'honorable Premier ministre adjoint afin de trouver une solution urgente à ce gros problème.

Merci beaucoup.

The Deputy Speaker: Hon. Deputy Prime Minister!

The Deputy Prime Minister: Comme vous l'avez constaté vous-même, la situation s'est nettement améliorée par rapport à la situation que vous aviez décrite dans votre rapport correspondant à l'époque où le *Chairperson* refusait de collaborer avec notre ministère - comme vous l'aviez si bien décrit dans votre rapport. Cette situation existe, bien sûr. Qu'est-ce qui se passe ? C'est que dans certains endroits il y a...

(Interruptions)

... des stations de traitement...

(Interruptions)

Ça va, si vous ne voulez pas que je parle, je n'ai aucun problème. C'est votre députée qui pose une question sur sa circonscription. J'essaie d'aider. Mais si votre collègue ne veut pas que je vous aide, c'est à lui de décider ou à vous.

(Interruptions)

C'est une situation qui existe et qui doit être remédiée d'urgence. Alors, comment remédier ce genre de situation ? C'est que les stations de traitement sont là depuis un certain moment. Le *District Council* donne des permis de construire ou autorise des morcellements à

proximité de ces stations de traitement. On ne peut pas la fermer, mais il faut la guérir. J'y veillerai avec une attention particulière.

The Deputy Speaker: Time is over!

At 8.55 p.m., the Assembly was, on its rising, adjourned to Tuesday 17 April 2018 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

NATIONAL ADOPTION COUNCIL - ADOPTED CHILDREN – FOLLOW-UP

(No. B/130) Mrs D. Selvon (Second Member for GRNW & Port Louis West) 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 National Adoption Council, he will, for the benefit of the House, obtain therefrom, information as to the number of children adopted by foreigners since May 2016 to date, indicating –

- (a) the respective nationality thereof, and
- (b) if any follow-up is carried out by the Council to ensure that they are well treated in their new families.

Reply (The Minister of Gender Equality, Child Development and Family Welfare): I am informed by the National Adoption Council that only one child has been adopted since May 2014.

As regards part (a) of the question, the House may wish to know that it is a Mauritian citizen residing in France who has adopted the child.

As regards part (b) of the question, I am informed that the National Adoption Council has received a favourable Social Report on the child on 18 January 2016, wherein it is stated that the child was faring well and has integrated the family.

ROAD REPAIRS - SURVEY

(No. B/156) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the road infrastructure, he will state if a nationwide plan has been set up for the filling of potholes and road repairs in the towns and villages within the next two years and, if so, give details thereof.

Reply: I am informed by the Road Development Authority (RDA), which is responsible for the maintenance of main roads and motorways throughout the island that the RDA carries out a survey annually to identify roads which require repair works and upgrading. It thereafter prepares its plan of action for the year accordingly.

I am informed that such repairs are carried out either by filling of potholes when the damage is not significant and extensive or by a resurfacing when the damage is severe, as part of RDA routine maintenance works. I am tabling a list of all such projects planned for the next two years as well as the works currently ongoing.

I would like to inform the House that the RDA has introduced a Patrol Squad recently, comprising officers from RDA and the Traffic Management Road Safety Unit to provide a rapid service, as far as possible. The Patrol Squad carries out regular inspections to identify safety hazards and emergency interventions. Furthermore, in the aftermath of torrential rain and/or cyclonic weather, the RDA carries out additional surveys to identify roads which have been damaged. The RDA has also a hotline service which is used by the general public to address their complaints during office hours. We are envisaging to extend the hotline service beyond office hours through automatic message recording system.

These emergency works are carried out either by direct labour under supervision of inspectorate staffs of RDA or under the Framework Agreement of the RDA.

For the past financial year, I am informed by the RDA that an amount of MUR 540 m. has been spent for planned repair works while MUR 71.3 m. has been spent for emergency works. As for the current financial year, an amount of MUR 600 m. has been earmarked for repair works.

As regards roads other than main roads and motorways, I am informed by the Local Authorities that they carry out regular repair works especially with regard to potholes, subject to availability of funds.

FIRE AND RESCUE SERVICE – LEAD FIREFIGHTERS - ALLOWANCE

(No. B/157) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the allowance granted to the Lead Firefighters, she will, for the benefit of the

House, obtain from the Fire and Rescue Service, information as to if same has been paid over the period March to November 2017.

Reply: With regard to the allowance payable to Lead Firefighters, I am informed by the Mauritius Fire and Rescue Service that according to their records, all returns pertaining to the period March to November 2017 which were received by the end of January 2018 have been processed. All payments have been made accordingly in March 2018.

FIRE AND RESCUE SERVICE - FIREFIGHTERS – UNIFORM ALLOWANCE

(No. B/158) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the firefighters, she will, for the benefit of the House, obtain from the Fire and Rescue Service, information as to if they are entitled to a uniform allowance and, if so, indicate the category of uniform concerned therewith.

Reply: I am informed that Officers of the Mauritius Fire and Rescue Service form part of the Disciplined Forces and as such they are not entitled to uniform allowance. However, they are issued uniform items in accordance with the Fire Service Order Reference No. 71 dated 31 August 2006.

FIRE AND RESCUE SERVICE - SWIFT WATER RESCUE UNIT – EQUIPMENT

(No. B/159) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the firefighters, she will, for the benefit of the House, obtain from the Fire and Rescue Service, information as to if they are fully equipped to intervene efficiently in case of Swift Water Rescue.

Reply: I am informed by the Mauritius Fire and Rescue Service that the Swift Water Rescue Unit is equipped with basic facilities and equipment to intervene in case of swift water rescue. Funds to the tune of Rs5.5 m. have been disbursed in financial year 2016-2017 for the acquisition of appropriate protective equipment.

PULMONARY TUBERCULOSIS – TREATMENT

(No. B/161) 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

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(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.

Reply: I am informed that a total of 110 patients were diagnosed with pulmonary tuberculosis in 2017, of which 15 are foreigners and expatriates.

Of the total, 102 patients were treated in the public health institutions while the remaining 8 were treated in the private sector.

I am further informed that patients were formerly treated for pulmonary tuberculosis in the private sector also in accordance with set guidelines. However, of late, it has been noted that in certain cases the guidelines were not followed in the private sector.

Accordingly, Government has, on 26 January 2018, decided that henceforth all patients diagnosed with pulmonary tuberculosis will have to be admitted forthwith to and treated at the Poudre D'Or Hospital. Since then, three patients diagnosed with pulmonary tuberculosis have been admitted thereat for treatment.

My Ministry has come up with a National Tuberculosis Management Manual, which will soon be disseminated to stakeholders for strict adherence.

MALARIA – PROTOCOLS

(No. B/162) 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.

Reply: I am informed that a total of 28 patients were diagnosed with malaria in 2017, of which 21 were foreigners and 7 were locals returning from abroad.

Of the total, 18 patients, including four locals, were treated in the public health institutions. The remaining 10 patients, including three locals, were treated in the private health institutions.

As for part (b) of the question, I wish, at the outset, to emphasise that any suspected case of malaria, even in a private health sector, has to be confirmed by the Central Health Laboratory of my Ministry. The following protocols have been put in place to deal with confirmed imported cases of malaria –

- (a) as soon as a suspected case of malaria is confirmed, the Regional Public Health Superintendent of the Communicable Diseases Control Unit is informed and the latter informs his counterpart who is in charge of the region during daytime or on call at night;
- (b) the Regional Public Health Superintendent contacts the patient and ensures that the patient is immediately admitted in the health institution of his choice as well as isolated;
- (c) any malaria case in the public is treated free of charge while in the private health institution, medication, consultation by the Regional Public Health Superintendent and blood tests by Health Surveillance Officers are free of charge;
- (d) daily blood specimens are taken by Health Surveillance Officers of the Ministry and forwarded to Central Health Laboratory for monitoring. Patient is discharged at the instruction of the Regional Public Health Superintendent after blood specimens on two consecutive days are found negative for malaria parasites and the latter is satisfied that the patient is not infective;
- (e) immediately upon detection of a case of malaria, fever surveys are also carried out over a period of eight weeks within a distance of 500 metres around the place of stay and site of work of the patient for contact tracing. Blood slides from fever cases are forwarded to Central Health Laboratory for analysis, and
- (f) as regards patients, who are either locals or expatriates, post-discharge monitoring and follow-up are done regularly for a period of up to one year, depending on the malaria parasite.

Besides, the Vector Biology Control Division of my Ministry carries out entomological surveys, upon confirmation of a case of malaria, to assess the presence of the adult malaria mosquitoes and its larval breeding sites at the place of stay of the patient and recommend appropriate vector control measures.

In parallel, larviciding and spraying are undertaken around the place of stay and site of work of the patient by the Health Office. Health education is also carried out among the family members of the patient.

I also wish to inform the House that my Ministry also implements a series of public health measures to prevent the re-introduction of malaria in the country.

ROCHE BOIS & PLAINE VERTE – GYMNASIUMS - REPAIRS

(No. B/165) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the gymnasiums in Roche Bois and in Rue Magon, Plaine Verte, respectively, she will state if she is aware of the numerous complaints made on 01 February 2018 regarding the bad state thereof, and, if so, indicate if measures will be taken to repair the infrastructure and equipment thereof.

Reply: I am informed by the Municipal City Council of Port Louis that no complaints have been received regarding the gymnasiums in Roche Bois and Rue Magon, Plaine Verte. However, I have been informed that there is a problem of water leakage at the Roche Bois gymnasium whenever there is heavy rain. The Municipal City Council of Port Louis has cleaned all the roof rainwater gutters to allow free flow of water. Arrangements are also being made to repair four rainwater gutter pipes.

As for the gymnasium in Rue Magon, Plaine Verte, the building is presently in a dilapidated state. There are plans for the renovation of the building. A consultant has already been appointed by the Council for the preparation of the design and to supervise the renovation project.

METRO EXPRESS PROJECT - IMPLEMENTATION

(No. B/167) Dr A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state if Larsen and Toubro and his goodself intend to hold a meeting with the inhabitants of Belle Rose/Quatre Bornes in respect thereof.

Reply: As the House is aware, the Metro Express Project is being implemented in two phases. Phase I of the alignment is from Rose Hill to Port Louis and Phase II of the alignment is from Curepipe to Rose Hill.

Construction works are underway at various sites located on Phase I of the alignment, from Rose Hill to Port Louis, which is due to be completed and become operational as from September 2019.

Quatre Bornes is located on Phase II of the alignment which will be implemented at a later stage. Works thereat are planned as from late 2019 and are due to be completed by September 2021.

For Phase I of the alignment, we have set up a Communication Strategy to address the concerns of the inhabitants of the region and issues arising from the works. Thus, a daily meeting is scheduled.

It is chaired by the Mayor of Beau Bassin/Rose Hill who meets all stakeholders, including Larsen and Toubro Ltd, RITES Ltd, the Road Development Authority, the Traffic Management and Road Safety Unit, the Police Traffic Branch and other Authorities concerned.

Issues are dealt with as urgently as possible and appropriate measures taken to mitigate the impact of the works. Site visits are organised on a regular basis to assess the problems caused. A Hotline has been set up at the Municipality of Beau Bassin/Rose Hill to address the complaints of the residents and a Special Desk has also been organised thereat.

The Mayor of Beau Bassin/Rose Hill also participates in a weekly meeting chaired by myself every Monday with all stakeholders. Cabinet is apprised accordingly of issues raised at the meeting and any decisions required are taken at this level. There is also a Steering Committee that is chaired by the Prime Minister that meets on an *ad-hoc* basis as and when needed.

The Communication Strategy is being fine-tuned on a regular basis to meet the exigencies of the Metro Express Project. The aim is to involve all the stakeholders to create a spirit of consensus as we want the project to be implemented in the best conditions, within the time, quality standards and budget set.

It is planned that a similar strategy be put in place for the town of Quatre Bornes, and eventually other regions. I have already requested the Mayor of Quatre Bornes to consult the Councillors and prepare a list of issues/concerns that inhabitants have raised.

We are preparing all the materials that we need to ensure that the Communication Strategy is a success – the alignment of the Metro Express is being depicted in a map to be displayed, a website is to be launched soon where a maximum of information will be made available, the way in and out of the town is being worked out, etc.

We sincerely wish for the *Forces Vives* to come forward in a spirit of consensus to help implement the project. The local inhabitants will be provided with information as regards explain the scope of the works, the time frame, utilities diversion to be effected, traffic diversions to be put in place, etc.

We should bear in mind that each segment will have its own specificities and challenges. But this is one of the most important infrastructure project that this country has undertaken and though it will entail temporary disturbances during the initial construction phase, numerous benefits are to be ultimately derived by inhabitants and the nation on completion of this project.

IOIG - FUNDS DISBURSED

(No. B/169) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the *Jeux des Iles de l'Océan Indien*, he will state the amount of funds disbursed as at to date from the Rs18m. budgeted therefor for year 2017/2018 and table a list of the beneficiaries thereof.

Reply: As at 05 April 2018, my Ministry has disbursed Rs14 m., out of the Rs18 m. budgeted, for the preparation of athletes for the Indian Ocean Islands Games 2019.

I am thereby tabling the list of sports disciplines which have benefitted from the funds as well as the amount disbursed to them.

NATIONAL SPORTS FEDERATIONS - PERFORMANCE AGREEMENTS & FINANCIAL STATEMENTS

(No. B/170) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the National Sports Federations, he will state those which have –

- (a) signed the Performance Agreements;
- (b) submitted their audited financial statements, and
- (c) their Insurance Policy Certificate, for the period 30 June 2017 as required by Sports Act and Guidelines issued by his Ministry.

Reply: I am tabling the list of National Sports Federations and their status on documents to be submitted in accordance with provisions of the Sports Act 2016.

VEGETARIAN PRODUCTS - LABELLING

(No. B/176) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Health and Quality of Life whether, in regard to the Food Act, he will state if consideration will be given for amendments to be proposed thereto so that all vegetarian

products bear either a V label or a green dot as is the case in most of the countries to enable vegetarians easily identify the products as many ingredients are coded in terms of “E”s.

Reply: I am informed that the proposal made by the hon. Member does not relate to food safety. It is rather an issue of certification or labelling.

I am also informed that the Health Inspectorate is not in a position to certify that the vegetarian food is indeed vegetarian and as such it would not be possible to enforce such a proposal.

SIDDHA TRADITIONAL TREATMENT

(No. B/182) **Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Minister of Health and Quality of Life whether, in regard to the Siddha traditional treatment, he will state if consideration will be given for the advisability of authorising such kind of treatment in the future.

Reply: I am informed that a request from the Secretary of the Mauritius Tamil Temples Federation has been received at my Ministry on 22 March 2018, to amend the Ayurveda and Other Traditional Medicines Act (Act 37 of 1989) to include the Siddha Medicine.

The request will be considered by a Technical Committee of the Traditional Medicine Board at its next meeting.

SIR SEEWOSAGUR RAMGOOLAM NATIONAL HOSPITAL - NEW BORN - FACT-FINDING COMMITTEE

(No. B/186) **Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Minister of Health and Quality of Life whether, in regard to the Fact-Finding Committee on the recent disappearance of the newborn twin, he will give details of the findings thereof and table copy thereof.

Reply: Following complaints received by one Mr A. S. and his wife Mrs B. G. S. regarding new born at Sir Seewoosagur Ramgoolam National Hospital, Government has set up a Fact-Finding Committee on 23 March 2018 to enquire into the matter.

The Fact- Finding Committee is chaired by an Assistant Parliamentary Counsel, Mrs Carole Green-Jokhoo and a Specialist Doctor in Obstetrics/Gynaecology from the private sector. Administrative support is being provided by my Ministry.

I am informed that a Press communiqué inviting any person or interested party willing to depone or provide any information to the Committee has already been issued. The first sitting of the Committee is scheduled for today, 10 April 2018.