



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 08 MAY 2018

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Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
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Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives

Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance
Hon. Mrs Roubina Jadoo-Jaunbocus	Minister of Gender Equality, Child Development and Family Welfare

PRINCIPAL OFFICERS AND OFFICIALS

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Teeluckdharry, Hon. Kalidass
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
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Clerk Assistant	Seetul, Ms Darshinee
Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 06 of 2018

Sitting of Tuesday 08 May 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)

ANNOUNCEMENT

NATIONAL YOUTH PARLIAMENT – 02 & 03 AUGUST 2018

Madam Speaker: Hon. Members, I am pleased to announce that I propose to hold the first edition of the National Youth Parliament scheduled to be held on Thursday 02 and Friday 03 of August 2018, which will coincide with the celebration of the 50th anniversary of our Independence and the 26th anniversary of our Republic.

The holding of Youth Parliaments is common in National Parliaments throughout the world as a means of strengthening democracy. Indeed, the aims and objectives of Youth Parliaments in legislatures are broadly for the young citizens to be provided with a platform to discuss issues of national and international importance in a Parliamentary setup and for them to have a better understanding of the functions and operations of the legislative bodies, to develop an interest and understanding of Parliamentary history, etiquette and procedure and to develop their public speaking, presentation, leadership and decision making skills as well as to enhance their ability to network with fellow citizens for the achievement of common goals.

Our Assembly has been working on this long awaited project over the past two years with the collaboration of the Ministry of Youth and Sports and the Ministry of Education and Human Resources, Tertiary Education and Scientific Research.

Press Communiqués will be issued to invite interested candidates in the 14 to 23 years age bracket who wish to be considered for participation in the National Youth Parliament 2018. A three-day training will be provided to the selected applicants to allow them to acquire the necessary knowledge and skills to participate in the first edition of the National Youth Parliament.

Thank you.

PAPERS LAID

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

A. Prime Minister's Office

- (a) Virement Warrant Return Quarter 3 (January – March 2018) Nos. 11 – 23. (In Original)
- (b) Virement (Contingencies) Warrant - Quarter 3 (January - March 2018) Nos. 9 – 11. (In Original)
- (c) Virement Certificate Return - Quarter 3 (January - March 2018) Certificates Nos 1, 5, 1-6, 4-7, 1, 3-5, 1 & 3, 2-5, 3-4, 1-8, 1-3, 7-14, 2-3, 1-3, 1-2, 4-8 & 10-12, 5-15, 4-6, 2-3, 9-13, 1-3, 14-22, 2-5, 3-9 & 11, 1-2, 1-11, 2-4, 3-8, 2-8, 4-8, 7, 6, 3-5, 1-4, 2 and 1. (In Original)
- (d) The Income Tax (Common Reporting Standard) Regulations 2018. (Government Notice No. 42 of 2018)
- (e) The Double Taxation Convention (United Kingdom) (Amendment) Regulations 2018. (Government Notice No. 43 of 2018)

B. Ministry of Local Government and Outer Islands

The Municipal Council of Quatre Bornes (Crematorium) (Amendment of schedule) Regulations 2017. (Government Notice No. 45 of 2018)

C. Ministry of Health and Quality of Life

- (a) The Pharmacy Council (Continuing Professional Development) Regulations 2018. (Government Notice No. 46 of 2018)
- (b) The Medical Council (Medical Institutions) (Amendment) Regulations 2018. (Government Notice No. 48 of 2018)

D. Ministry of Agro – Industry and Food Security

The Sir Seewoosagur Ramgoolam Botanic Garden Trust (Guides) Regulations 2018. (Government Notice No. 49 of 2018)

E. Ministry of Industry, Commerce and Consumer Protection

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 10) Regulations 2018. (Government Notice No. 44 of 2018)

F. Ministry of Business, Enterprise and Cooperatives

The Annual Report of the Saint Antoine Planters Co-operative Trust for the period of 01 January 2016 to 30 June 2017.

G. **Ministry of Housing and Lands**

The Land (Duties and Taxes) (Amendment of Schedule) (No. 2) Regulations 2018. (Government Notice No. 47 of 2018)

ORAL ANSWERS TO QUESTIONS**PUBLIC SECTOR DEBT - REPAYMENT**

(No. B/298) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to public sector debt, he will state the amount of money borrowed, since January 2015 to date, from –

- (a) foreign sources, in their respective currencies, and
- (b) local sources in Mauritian rupees, indicating in each case, the respective terms of repayment thereof.

The Prime Minister: Madam Speaker, I am replying to Parliamentary Questions B/298 and B/300 together, as they both relate to the same subject matter, namely, public sector debt.

As regards borrowing from foreign as well as domestic sources for period January 2015 to end of March 2018, I am tabling a statement providing the requested information.

With regard to PQ B/300, the issue will be dealt with in the forthcoming Budget exercise and it would not be appropriate to reveal budget measures at this stage.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. Being given that two questions are being combined in one reply, Madam Speaker, I beg your indulgence for me to be given enough time to canvas the two questions, if I may. Can I ask the hon. Prime Minister, Minister of Finance to confirm to the House whether the amount of USD 500 million in hard currency US Dollar borrowed from the Exim Bank of India by Mauritius and routed through the State Bank of Mauritius, has been guaranteed by Government, and to further ask whether this has been included in the national debt?

The Prime Minister: Well, only part repayment has been guaranteed by Government.

Madam Speaker: Hon. Bérenger, do you have a question?

Mr Bérenger: The hon. Minister of Finance has not replied to the question. The question is whether that sum of USD 500 million, guaranteed by Government, I understand, he can tell us if that is included in the figures which he says he is circulating?

The Prime Minister: I have just replied. I have to say that through a Special Purpose Vehicle (SPV), the monthly repayment of that Special Purpose Vehicle is being guaranteed by Government.

Madam Speaker: Yes, hon. Bérenger!

Mr Bérenger: Can I also ask the hon. Minister of Finance whether the public debt figures which he is providing us with, the amount of borrowing by the National Property Fund concerning the BAI saga, namely, Rs6.4 billion from commercial banks and Rs3.5 billion from the Bank of Mauritius, these are included in the figures for public debt which he is circulating?

The Prime Minister: Well, I have circulated the total amount. I am informed with regard to the former question that there has been no disbursement with regard to the amount of USD 500 million from Exim Bank of India and, therefore, the question of including in the stock of the public debt does not arise. But surely I will get the answer. This loan has been included under the public sector debt.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Madam Speaker, the public sector debt ratio stands at 63.5% of GDP and this ratio has to be around 60% in 2020. Now, on one hand, Government will be investing in public infrastructure massively and I have in mind the Air Strip in Rodrigues which will cost billions of rupees. So, my question to the hon. Prime Minister is, how does he reconcile, on one hand reducing the ratio and, on the other hand, investing in massive public infrastructure? Will he for specific project come with SPVs and, therefore, putting the burden of the debt on the SPV rather than the State taking the loan?

The Prime Minister: Well, Madam Speaker, this is what we call good and effective and efficient management of public finances. If we look at the figures, I must say, since December 2014, true it is that the public debt as a percentage of GDP has increased from 60.7% on the following year to 62.9% and 65%. But this is now on the decreasing trend. Up to June 2017, it has decreased to 64.8% and to March 2018 the provisional figure that has been communicated to me is 62.9%.

Of course, with the preparation of the next Budget, and there is another Budget what will come next year also, we are foreseeing that it will be on a decreasing trend so that we attain the 60% ceiling that we have imposed.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. Well, this is not what IMF believes. Can I refer the hon. Prime Minister, therefore, to the Country Report of the IMF, the famous Article 4 ...

Madam Speaker: Put it in the form of a question, please!

Mr Osman Mahomed: Can I ask the hon. Prime Minister whether he is aware that IMF has said in its Article 4 Report that indications are that under current policies, the debt target will be missed, and that a tight stance would then be required for Mauritius to meet its goal of improving infrastructure and promoting inclusive growth while preserving debt sustainability? A very strong statement despite notwithstanding the amendment brought to the Public Debt Management Act from 50% to 60%. Can I ask the hon. Prime Minister whether the Government is working on this stance and what is the timeline that he is looking at?

The Prime Minister: The IMF has pointed out that, in other words, we have to be careful on the debt issue, which I totally agree with, because it is a fact that the more the debt increases, the more difficult it becomes if there is no proper investment, so that we can get additional revenue in the future. But I don't know why the hon. Member does not also mention from the IMF Report that it has commended us for the good management and for the good strategy that we have adopted in order to invest in infrastructural projects that will benefit the country for the future, and has commended us also for taking measures in order to reduce the percentage of debt to GDP. And I must also point out, and I will ask the hon. Member, while he is also interested in reading the reports of the IMF, to also read the report of Moody's, which has given us a very good rating and has commended us again for the management of financial affairs.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, it stands to reason that public debt, as it stands, is not included in the total debt because we know that the full nominal value...

Madam Speaker: Yes, ask your question, hon. Dr. Boolell!

Dr. Boolell: Yes, I am coming.

Madam Speaker: Don't make a statement, ask your question!

Dr. Boolell: Is the Prime Minister aware that the full nominal value of public debt enterprises are not included in public debt, and this goes against standards of fiscal and accounting, it's a violation of the standards of fiscal and accounting?

Madam Speaker: Okay, we have understood your question.

The Prime Minister: Madam Speaker, neither the IMF nor the World Bank nor Moody's says we are violating whatever rules the hon. Member is mentioning. He is the only one who is saying that the statistics which are being published are not reflective of the reality. So, I don't know what is the methodology that the hon. Member is using. But anyway it is not the methodology that is being used by Statistics Mauritius, by the Ministry of Finance, by IMF, by World Bank, by Moody's. So, maybe there is a new one, we will call it the methodology of the Labour Party!

Madam Speaker: Hon. Ameer Meea, last question!

Mr Ameer Meea: Madam Speaker, in relation to public sector debt - I am referring to the Accounts of the Government of Mauritius as at 30 of June 2017 - there are two substantial amounts which have been guaranteed by Government, firstly, the National Property Fund Rs3.7 billion and secondly, MauBank Rs3 billion. May I ask the hon. Prime Minister what are the respective terms of repayment of these two material loans as it does not appear in the answer that the hon. Prime Minister just tabled?

The Prime Minister: Yes! Madam Speaker, in fact, we are dealing with these issues and there is no time frame with regard to the reimbursement of these advances. So, we will deal with them in due course.

Madam Speaker: Next question, hon. Osman Mahomed!

Mr Osman Mahomed: Madam Speaker, can I have one last question because...

Madam Speaker: No, I have said. I have already allowed 12 minutes for two questions and I feel that the question has been sufficiently canvassed. So, I am passing on to the next question!

MAURITIAN RUPEE – EXCESS LIQUIDITY

(No. B/299) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the liquidity of the Mauritian Rupee, he will, for the

benefit of the House, obtain from the Bank of Mauritius, information as to the excess amount thereof that was available on the local market at the end of the years 2015, 2016 and 2017, respectively.

The Prime Minister: Madam Speaker, I am informed by the Bank of Mauritius that, at the end of year 2015, the amount of excess liquidity in Mauritian Rupee in our banking system was Rs5.4 billion. At the end of year 2016, it stood at Rs6.8 billion, and at the end of 2017, the amount of excess liquidity on the local market was Rs8.4 billion.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Yes, thank you, Madam Speaker. Can I still refer the hon. Prime Minister to Article IV of the IMF which states –

“They – meaning Government - indicated they intend to continue to mop up excess liquidity, but pointed to the high cost of sterilization as the main constraint of monetary policy, and agreed on the need for a MoU between the MOFED (Ministry of Finance and Economic Development) and BOM (Bank of Mauritius) to specify the cost-sharing mechanism. In staff’s view, (...)”

(Interruptions)

Madam Speaker: What is the question of the hon. Member?

Mr Osman Mahomed: Sorry, just one minute more –

“In staff’s view, although sterilization costs (...)”

Madam Speaker: Let me just remind hon. Members that - please sit down - Question Time is not a pretext for debate. So, they should be concise and they should be direct in the questions that they ask.

Mr Osman Mahomed: Has the hon. Prime Minister taken cognizance of this and can the hon. Prime Minister explain to the House that notwithstanding the high amount of liquidity which is increasing with each passing year on the market, we are going back to foreign sources, for example, the 500 Million US Dollar loan in hard currency thereby putting the country at risk with the depreciating rupee and so forth; the complications that he is fully aware of? Can I ask the hon. Prime Minister the rationale behind this?

(Interruptions)

Madam Speaker: Hon. Rutnah!

The Prime Minister: Madam Speaker, yes, as a follow-up to the remarks of the IMF a meeting between the Ministry of Finance and Economic Development and the Bank of Mauritius was held on 29 March 2018 whereby the modalities of the cost sharing arrangement for monetary policy operations has been discussed. I must say it is a very complex matter. Discussions are still ongoing.

In fact, there is going to be a staff mission of the IMF to Mauritius which is scheduled from 25 to 31 of July 2018 and the mission, obviously, apart from *constat de l'économie* will, amongst others, examine the *modus operandi* of such a cost sharing arrangement for monetary operations.

Now, concerning the issue that the hon. Member is mentioning about the line of credit and the grant that we are getting from India, Madam Speaker, it stands to reason that any serious and visionary Government which wants to improve the quality of life of people, which wants to modernise the economy, has to invest and we have to improve the infrastructure generally. We have to see to it that there are projects that will be viable and profitable to the country. Therefore, I am surprised that the hon. Member is, as I believe, mixing issues - I put it to mixing issues - because getting the financing from India, I must say, I have to, once again, seize this opportunity to thank the Government of India for this unprecedented financial support that we are getting in terms of grant money and in terms of extremely favourable terms and conditions with regard to the line of credit.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: The issue is not about India. It could have been any other country. The issue...

(Interruptions)

The issue is about...

(Interruptions)

The issue is about money being left unused on the local market, but we are borrowing in hard currency, in dollar. This is the issue, hon. Prime Minister. This is the issue.

Now, too much of liquidity which is increasing with each passing year as from 2014 - we have just seen the figures - distorts the effectiveness of the monetary policy.

Madam Speaker: Yes, the hon. Member must not make statements.

Mr Osman Mahomed: Can I ask the hon. Prime Minister concerning the statement made by the Deputy Prime Minister, hon. Collendavelloo, two weeks ago in Parliamentary Question No. B/245 that “the policy of the national debt is being looked into by the Prime Minister and there would be a statement in the forthcoming Budget”, whether a holistic approach will be taken as regard to debt being used to the maximum on the local market before going elsewhere for borrowing money?

The Prime Minister: Well, I still do not understand the comments made by the hon. Member with regard to the line of credit that we are getting from India. The issue is whether we accept this line of credit which has been very well negotiated on extremely favourable terms or do we go and borrow on the open market and borrow, when the previous Labour Party Government was there, on terms and conditions which were not as favourable as those we have negotiated. That is the issue! So, now the hon. Member is saying how we are going to manage with regard to decisions that we are going to take. I have answered. We are right now preparing the forthcoming Budget and, obviously, that matter will be looked into and decisions, I mean, whatever measures we will come to, will be announced in the forthcoming Budget.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Yes, one last question, Madam Speaker, as regards the latest issue of bonds, I believe last month, from the Bank of Mauritius, has it been effective? Can we have an indication as to the amount that was available in 2017? How much of it has been sponged on the local market?

The Prime Minister: Well, on bonds, I don't think I have the figures with me. No, I don't have the figures, but they are available and I undertake to communicate to the House the figures.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Prime Minister confirm whether is it not true that if banks start making use of excess liquidity to extend credit, that could give rise to inflationary pressure within the economy and this is what we don't want as a Government?

The Prime Minister: Well, one of the reasons, I believe, why the Bank of Mauritius sterilises and decides to issue bills or bonds in order to mop up the excess liquidity is to try to have an orderly management of the economy so that there is no pressure on inflation. But I

must say that banks, in spite of the capital adequacy ratio that they are bound to abide to with regard to the law, they also normally have a buffer of probably about Rs3 billion, Rs4 billion or Rs5 billion. You never know what can happen sometimes. There are certain periods, for example, during the months of November-December, there is drawing of more cash than usual. So, therefore, they have to take the necessary precaution in order to face any surge of withdrawals.

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

Dr. Boolell: Madam Speaker, I will come back to what the Prime Minister stated earlier in respect of the EXIM Loan Bank from India. We have no quarrel over this, but our main quarrel is why is it that Government is keeping this loan outside public debt? It is not included in the...

Madam Speaker: Put your question, hon. Dr. Boolell!

Dr. Boolell: No, because my question relates to what the Prime Minister has been saying. That is why I am putting this question again.

Madam Speaker: No. I am just asking you whether that question is linked to the main question.

(Interruptions)

Hon. Ameer Meea! Next question!

PUBLIC SECTOR DEBT MANAGEMENT

(No. B/300) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the current public sector debt, he will state the measures that will be taken, if any, for same to be reduced so that, at the end of the fiscal year specified in the Schedule to the Public Debt Management Act, the percentage thereof does not exceed 60% of the Gross Domestic Product at current market prices.

(Vide reply to PQ No. B/298)

CARGO HANDLING CORPORATION LTD - RECRUITMENT

(No. B/301) 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 Cargo Handling Corporation Ltd., he will, for the benefit of the House, obtain therefrom, a list of the employees recruited thereat since 2015 to date, indicating in each case the –

- (a) post occupied;
- (b) salaries and other benefits drawn;
- (c) qualifications held, and
- (d) mode of recruitment thereof.

The Prime Minister: Madam Speaker, I am informed by the Officer in charge of the Cargo Handling Corporation Ltd that 145 employees have been recruited from 2015 to date, as follows –

- (a) In 2015 - nil;
- (b) In 2016 -
 - (i) 50 Security Guards;
 - (ii) 1 Assistant IT Manager,
 - (iii) 1 Driver.
- (c) In 2017 -
 - (i) 1 Technical Manager;
 - (ii) 5 Accounts Assistants;
 - (iii) 1 Cleaner/Attendant;
 - (iv) 5 Tradesmen.
- (d) In 2018 - 81 General Purpose Workers.

However, it would not be appropriate for me to give the names of the employees.

Madam Speaker, in regard to parts (b) and (c) of the question, the salaries and other benefits and the qualifications are as laid down in the respective Schemes of Service.

Concerning part (d) of the question, the mode of recruitment has been as follows –

- (a) public advertisement for the post of Assistant IT Manager and Technical Manager;
- (b) through the Employment Exchange of the Ministry of Labour, Industrial Relations, Employment and Training for the posts of Security Guards and General Purpose Workers;

- (c) under the Youth Employment Programme for the posts of Accounts Assistants, Cleaner/Attendant and Tradesman, and
- (d) one Driver has been recruited directly on a contract basis.

Mr Ameer Meea: Yes, Madam Speaker, can I ask the hon. Prime Minister whether he has taken cognizance of several protests from the inhabitants of Roche Bois and the surroundings, more specifically the *Groupe Zenfan Roche Bois*, to the fact that these inhabitants, I would not say systematically, are excluded from the list of new recruits? This has been a long established culture that priority is given to people living in the surrounding of the Port area. Is the hon. Prime Minister aware of the situation and what has he done?

The Prime Minister: I am aware that there have been protests. In fact, I have received letters and I must say that it is not true to say that they are being excluded. In fact, they are also being considered for recruitment and, obviously, there is a selection exercise that is being done.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes, in relation to the same issue, according to my information, in February last, there has been a meeting between the *Groupe Zenfan Roche Bois* and the management of Cargo Handling Corporation. Can I ask the hon. Prime Minister if he is aware of this meeting? If this meeting has been held, what has been the outcome, and, if not, why has there not been any meeting until now between Cargo Handling and the *Groupe Zenfan Roche Bois*?

The Prime Minister: Well, I am not aware of the date and the meeting itself. I do not know who attended the meeting, but I believe that Cargo Handling is obviously open and it does meet people generally in order to give the exact information and to defuse any situation that can probably arise.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Can I ask the hon. Prime Minister whether he does not think that it is high time to set up a central body which will act as a Service Commission just like the Local Service Commission, the PSC, the DFSC and so on, which will be responsible for recruitment in the parastatal bodies and private companies owned by Government for the sake of transparency and good governance?

The Prime Minister: Well, there is already a system which is in place, and this system has been in place for not now, years and years. Obviously, we will have to see whether it has to be improved. Well, we take note of the suggestion of the hon. Member.

Madam Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: Thank you Madam Speaker. Can I know from the Prime Minister whether his Senior Advisor, Mr Chaumière, was delegated by him or by his office to discuss with those who have made representations concerning the recruitment of the children, of the youth of the Roche Bois region, for employment in the Cargo Handling Department, and also at the Marine Authority, for example, and what had been the outcome of the meeting which Mr Chaumière had with the people of the region?

The Prime Minister: Well, as I said, Madam Speaker, either the Cargo Handling Corporation or advisers of my Ministry would be meeting with people generally to explain to them the recruitment process, the exercise, how it is being carried out, and to inform them that no one is being excluded from that exercise.

Madam Speaker: Next question, hon. Ameer Meea!

PAY RESEARCH BUREAU - CONSULTATIONS

(No. B/302) 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 Pay Research Bureau, he will –

- (a) state if the replacement thereof by a new institution or commission is being envisaged and, if so, give details thereof, and
- (b) for the benefit of the House, obtain therefrom, information as to the expected date of publication of the next Report thereof, indicating if consultations in relation thereto have started and, if not, why not.

The Prime Minister: Madam Speaker, Government does not envisage the replacement of the Pay Research Bureau by a new institution or commission.

In regard to part (b) of the question, I am informed that the Pay Research Bureau has already embarked on the exercise for the next general review of pay and grading structures and conditions of service in the public sector. The report is expected to be released sometime in October 2020. The recommendations will be effective on 01 January 2021.

I am informed that, in the context of this exercise, the Bureau has had consultations with the Executive Members of 10 Federations from 09 to 13 April 2018. Moreover, the PRB has already issued Circulars to all public sector organisations covered by its next Report, with a view to collecting fresh and relevant data necessary to carry out the general review exercise.

The Federations of Civil Service Unions have also been requested, by way of circulars, to submit their proposals on conditions of service in the public sector. The Bureau is providing them with any required assistance for the preparation of their submissions.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes, thank you, Madam Speaker. According to my information, well, it is public information, it was in the Press, there was a consultant from Canada, Ms Kelly Susan Culver, who has worked on the reform of the *Fonction Publique* in order to replace the institution, that is, the PRB, but the hon. Prime Minister just reassured the House that we are not replacing it. My question to the hon. Prime Minister is whether there has been any report from this consultant and, if there has been any report, is it possible to have the report public?

The Prime Minister: Well, I am aware that, in fact, yes, the consultant has been looking at a number of issues with regard to the Public Service and has made certain recommendations, but, obviously, I have to check and see whether that report can be circulated.

Madam Speaker: Yes, hon. Ganoo, last question!

Mr Ganoo: Can I ask the hon. Prime Minister whether he has received letters from the federations of the public sector and other unions urging the hon. Prime Minister to see to it that the PRB is published in September or October 2019 for implementation as from 01 January 2020 and whether he has received several requests from the different federations?

The Prime Minister: Yes, Madam Speaker, I have received requests. In fact, the Federation of Civil Service Union and other unions had made a request for the publication of the next PRB Report in September or October 2019 and for the implementation as from 01 January 2020, and that request is being looked into.

Madam Speaker: Time is over! Hon. Osman Mahomed!

**OASIS CHILDREN SHELTER – ALLEGED CIGARETTES & DRUGS
CONSUMPTION - INQUIRY**

(No. B/307) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the recent allegation of circulation and consumption of cigarettes and drugs at the Oasis children shelter, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the inquiry carried out by the Anti-Drug Smuggling Unit.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that on 06 October 2017, officers from ADSU and the “*Brigade pour la Protection des Mineurs*” attended to a request from the Officer In Charge of Oasis Drop-In Centre located at Debarcadere Street, Grand River North West, in connection with an allegation made against a caregiver who was presumably consuming and also offering cigarettes and drugs to inmates thereat.

Moreover, on 28 November 2017, the Officer in Charge of Oasis Drop-In Centre made a declaration at Line Barracks Police Station in connection with this matter.

ADSU has initiated an enquiry into the matter and so far, there has been no indication that the caregiver is indulging in any illegal drug activities. However, the Police is closely monitoring the situation.

Madam Speaker, I am also informed by the Ministry of Gender Equality, Child Development and Family Welfare that the caregiver in question had already been transferred from the Oasis Children Centre before the Police complaint was made and as such, she no longer has direct access to children.

Mr Osman Mahomed: So, if I get it right, Rt. hon. Minister Mentor, there were no drugs found, children were not consuming drugs there, is that correct?

Sir Anerood Jugnauth: I think my answer is clear.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Well, thank you. Has the Rt. hon. Minister Mentor taken cognizance of the very severe statement made by the Ombudsperson for children to the effect that –

« La drogue synthétique touche même les jeunes de 11 à 12 ans. Les enfants seraient eux-mêmes impliqués dans le trafic, affirme Rita Venkatasamy. »

I am sure that the Rt. hon. Minister Mentor must have taken cognizance because this is a public article. Has the Rt. hon. Minister Mentor instructed ADSU to look into the veracity of what has been put forth by the Ombudsperson for children because if our children at 11 years old have started consuming drugs and are even selling drugs then our country is going to the dogs, hon. Minister Mentor?

Sir Anerood Jugnauth: Well, the question that has been put to me is very clear and I have answered it and this has nothing to do with what the hon. Member is saying.

Madam Speaker: Hon. Mrs Perraud!

Mrs Perraud: Thank you very much. Even if the Rt. hon. Minister Mentor said that there were no drugs found, still I think that you will agree with me that it is very important to do ...

(Interruptions)

Madam Speaker: No, the Rt. hon. Minister Mentor does not have to agree with you. Ask your question!

Mrs Perraud: Okay. Thank you very much. Still, I think that it is very important to do a campaign. So, what is the policy for those children of Oasis shelter to combat drugs consumption and drugs addiction?

Madam Speaker: Hon. Member, this question is specific with relation to Oasis children shelter and you know that according to the Standing Orders, your supplementary question has to come out of the main question. Right! If you have another question of a general nature, you better come with a specific question.

Mrs Perraud: Madam Speaker, my question is related to drugs and related to the children found in Oasis shelter.

Madam Speaker: No, I am sorry, you did not mention Oasis shelter, you mentioned question of a general nature. Can you rephrase your question, please?

Mrs Perraud: Yes, Madam Speaker. My question is: hon. Minister Mentor, I would like to know what is the policy regarding drugs addiction and drugs consumption for the children of Oasis shelter?

Sir Anerood Jugnauth: I have just answered. There has been no evidence whatsoever. So, what are we going to do?

Madam Speaker: Last question!

Mrs Perraud: Yes, last question. Madam Speaker, I do said earlier that even if there were no drugs found in the shelter, but I think that it is important to have a policy. We cannot say that ...

(Interruptions)

Madam Speaker: Don't make a statement, hon. Member! I drew your attention and I have just drawn the attention of hon. Members to the fact that during question time, you cannot make a statement, you have to ask your question.

Mrs Perraud: I do understand then there is no policy for those children. Thank you very much.

Madam Speaker: Hon. Jhuboo, next question!

METRO EXPRESS PROJECT - COST

(No. B/308) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will, notwithstanding the estimated capital cost of Rs18.8 billion thereof, state the quantum of the hidden costs thereof, if any.

Mr Bodha: Madam Speaker, I am informed that the contract for the engineering, procurement and construction of the Metro Express Project has been awarded to Larsen and Toubro Ltd. following, all procurement procedures on 31 July 2018.

The contract signed with Larsen and Toubro Ltd. is a fixed price lump sum contract of Rs18.8 billion modelled on the internationally acknowledged FIDIC contract silver book. I am informed that there are no hidden costs.

Madam Speaker, every step is being taken, including close monitoring to ensure that the project is carried out within the allocated budget, on time and according to quality standards. The project is, in fact, progressing smoothly and on schedule.

However, in the wake of the coming into operation of the Metro Express Project, Government has decided to promote private investment for the setting up of urban terminals in the five towns located on the corridor of the Metro Express Project, with a view to optimising the revenue generating potential of the light rail.

Furthermore, Government will also promote the setting up of projects of social nature aimed at providing improved facilities such as the Barkly Sports Complex or the new park at Ebène.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. The hon. Minister in a former reply stated that the urban terminal would be financed by the private sector. My question to the hon. Minister is in relation to the displacement of market fairs, sports complex or any other public building, I would like to know from the hon. Minister what is the amount of the extra budget for these items?

Mr Bodha: We have always said that whatever facilities which are being removed or done away with will be provided with better facilities. In the case, for example, of the Barkly Sports Complex and in the case of the new park at Ebène, these are projects which are approved at the level of Cabinet each and every time such projects arise. So, in the case, for example, of the new park of Ebène, I went to Cabinet and to the Ministry of Finance to have a budget of Rs100 m. for the park. In the case of Barkly Sports Complex, we have been allocated a budget of Rs13 m. So, each and every time that some facilities are no longer provided because of the implementation of the project, we will go back to the Ministry of Finance to see to it that the quality of life is better with the implementation of the project.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. In the same line of questioning with regard to all the infrastructures that have to be modified now whether it is the Wastewater, the CEB, the CWA, the market fairs, all of these now have a value. Is this value included in the Rs18.8 billion? Because this is what the question refers to as hidden cost. Can the hon. Minister give the total amount...

(Interruptions)

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

Mr A. Duval: Can the hon. Minister give the total amount for all the extra works that will have to be given by other Departments of Government for the Metro Express Project?

Mr Bodha: Now, the shifting and reinstatement of utilities for the CWA, the CEB and the Wastewater are included in the implementation of the project. These are specific projects in specific areas like the case of the Ebène Park and the Barkly Sports Complex. But

the Rs18.8 billion include all the projects, all the works which are associated with the implementation of the light rail.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: In his reply, the hon. Minister has mentioned high quality of standards and he also informed us about the Ebène Park, the new park, the figure of Rs100 m. something like that. Can I draw the attention of the hon. Minister, when he is talking of standard, if he can go and have a look today

Madam Speaker: This is your question?

Mr Bhagwan: Can I ask the hon. Minister whether he has asked his officers – I told him that the other day – to go and have a look at Ebène Park, which is at the entrance of Rose Hill roundabout and where you have the SSS Ebène? This site is a dumping ground, Larsen and Toubro and other contractors are throwing tons and tons of illegal waste on that land. Is the hon. Minister aware of that situation and will he take action?

Mr Bodha: The hon. Member mentioned this to me. The issue is that the allocation of the contract for the landscape designer is being done in the days to come and works will start as soon as possible. The budget is already available. I have asked Larsen and Toubro and MPI to see to it that there is no dumping on that plot of land which is to be designed as a park.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. Madam Speaker, CEB has been routing electric cables underground, namely at Vandermeersch. Who is footing the bill for this, hon. Minister? Is it CEB or Metro Express Company Ltd., because CEB is not doing underground cables anywhere else in the country? So, if this is the case, if CEB is footing the bill, this is deemed to be a hidden cost.

Mr Bodha: The cables are hidden, not the costs!

(Interruptions)

Let me just tell you one thing; it is that the CEB has its own programme of doing the underground cabling in Vandermeersch. When it comes to the Metro, *tout ce que le métro dérange dans son passage doit être réinstitué dans le cadre du projet*. This is what we call the shifting and the reinstatement of all the utilities and the resurfacing of the road.

Madam Speaker: Last question, hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Minister confirm that in relation to this Metro Express Project, there will be no cost overrun like we had in the Terre Rouge-Verdun, ID Card and SSR International Airport?

Mr Bodha: This is a lump sum contract and I think the guiding principle for all infrastructural projects is that we have no cost overrun, no time overrun and we have the best quality of works.

Madam Speaker: Next question, hon. Jhuboo!

BELLE ROSE & QUATRE BORNES - OUTLINE PLANNING SCHEME

(No. B/309) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to Belle Rose and Quatre Bornes, she will state if consideration will be given for the setting up of a Strategic Plan for an integrated economic, environmental, transport and social framework therefor.

The Minister of Housing and Lands (Mr P. Jhugroo): Madam Speaker, an Outline Planning Scheme for the Municipal Council Area of Quatre Bornes, which includes Belle Rose, was prepared by my Ministry and was approved by the President of the Republic on 23 May 2015.

The Outline Planning Scheme seeks to better guide and manage development in a more balanced and sustainable way to address the key challenges that lie ahead.

Madam Speaker, the Outline Planning Scheme includes a Town Centre Plan which aims at creating the best opportunities for mixed use development and high quality urban environment. It also makes provision for the implementation of an alternative mode of transport such as metro express and transit oriented development.

Madam Speaker, the Outline Planning Scheme is principally concerned with development up to the year 2020.

My Ministry, in collaboration with the local authority, will initiate procedures in the next financial year for the preparation of a new Outline Scheme which will seek to guide and manage future developments for the next ten years in a more integrated and holistic manner in line with the Government's vision 2030.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, in the light of what the hon. Minister has stated, I am sure he knows very well that Belle Rose-Quatre Bornes is a linear town with built-in areas on both sides. Can I ask the hon. Minister in the light of an Outline Scheme whether a Master Plan would be prepared? Because we have to make sure that the belly of Quatre Bornes is relocated and Quatre Bornes has to be extended because of the built-in area.

Mr Jhugroo: Madam Speaker, I have just mentioned earlier that next year after the Budget when we will be preparing the new Outline Scheme, I hope that these issues mentioned by my hon. friend will be addressed and he will be aware.

Madam Speaker: Do you have a question on this, hon. Ramano?

Mr Ramano: Merci, Madame la présidente. Il est un fait que la ville de Quatre Bornes a connu une poussée d'urbanisme surtout dans les régions de Bassin, Palma, Trianon, Ebène et aussi dans le centre-ville. Vu les développements majeurs qui sont en cours, n'est-il pas temps de venir de l'avant avec une délimitation précise des zones résidentielles, commerciales ou même industrielles parce qu'aujourd'hui il y a un *mismatch* complet, une cacophonie terrible dans les régions résidentielles où nous avons des espaces commerciales et industrielles? Est-ce qu'il n'est pas temps de venir avec délimitation précise?

Mr Jhugroo: Madam Speaker, I take note and I will address these issues while we will be preparing the new Outline Scheme.

Madam Speaker: Next question, hon. Jahangeer!

PLAINE SOPHIE WIND FARM PROJECT – COMPLETION

(No. B/310) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Plaine Sophie Wind Farm Project awarded to Messrs PAD Green Co. Ltd., he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if, being given that the extension time for the completion thereof has expired, liquidated damages have been claimed for the delay in the completion thereof and, if not, why not.

The Deputy Prime Minister: Madam Speaker, in my reply to PQ B/377 on 09 May 2017, I informed the House that the contractual date for completion of the Wind Farm project at Plaine Sophie was December 2017.

I am informed by the CEB that the promoter could not get access to the site on account of delays in the felling of trees, which was to be undertaken by the Forestry Department. The Forestry Department allowed the promoter to cut down all identified trees on the site in December 2017.

The CEB has agreed to a last and final extension of the commercial operation date up to 12 October 2018.

As per the Electricity Supply and Purchase Agreement, Liquidated Damages shall apply as from 13 October 2018, in case of failure to achieve the commercial operation date.

Mr Jahangeer: Will the hon. Deputy Prime Minister inform the House if on 12 October the contractor failed to have the commercially operating date in action? Will the security deposit of USD 3 million be forfeited?

The Deputy Prime Minister: If I understand properly, yes; should the works not be over by 12 October 2018, as from 13 October 2018 liquidated damages will apply. But then, after 90 days, the capping of liquidated damages will amount to some USD 3 million. After that, then CEB can terminate the contract. But all these are commercial decisions which are taken by CEB in the light of various factors which arise.

Madam Speaker: Next question!

MAURITIUS RESEARCH COUNCIL – RESEARCH PROJECTS

(No. B/311) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Technology, Communication and Innovation whether, in regard to research projects, he will, for the benefit of the House, obtain from the Mauritius Research Council, information as to the name and value thereof completed, since January 2015 to date.

Mr Sawmynaden: Madam Speaker, I am informed by the Mauritius Research Council that 83 research projects have been completed since January 2015 to date.

I am tabling the list of the projects along with their respective value.

Madam Speaker: Does the hon. Member want to see? He has a question on this one? No? Okay! Yes, hon. Bhagwan!

Mr Bhagwan: Can we know from the hon. Minister who is the Chief Executive of the Mauritius Research Council?

Mr Sawmynaden: Dr. Arjoon Suddhoo is the Executive Director of the Mauritius Research Council.

Mr Bhagwan: Can the hon. Minister inform the House whether he has received representations with regard to the performance of Dr. Suddhoo being engaged in so many other activities, Chairperson of Air Mauritius and recently appointed by the Ministry of Public Utilities for another job? Is the hon. Minister aware whether there have been representations concerning his presence at the Mauritius Research Council, being given that he spends most of his time outside the premises of the Mauritius Research Council?

Mr Sawmynaden: Actually, I have got no complaints. I am very satisfied with the job that he is doing, and I know that he is very committed. I think we should be thankful to him that he is spending most of his time working for the country.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Will the hon. Minister state whether, on the list that he has submitted, there are a sizable number of grassroots research projects?

Mr Sawmynaden: Actually, there are many grassroots research projects concerning students at school level as well - at secondary school - just like the Robotic Week which was held last year, and it jumped from 300 participants to 1,000 participants.

Madam Speaker: Next question, hon. Jahangeer!

RÉDUIT – PLANETARIUM PROJECT

(No. B/312) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the proposed construction of a Planetarium at Réduit, she will state where matters stand.

Mrs Dookun-Luchoomun: Madam Speaker, the Planetarium Project will be implemented in partnership with the Government of India, and for that matter, a Memorandum of Understanding has been signed between the Government of the Republic of India on behalf of the National Council of Science Museums and the Government of Mauritius on behalf of the Rajiv Gandhi Science Centre. Land at Réduit has already been earmarked for the implementation of the project and discussions are ongoing for its acquisition.

Moreover, discussions are also being held with the Indian authorities regarding the detailed implementation of the project.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Indeed, it is a laudable initiative from the hon. Minister. But when do we expect the tender to be issued?

Mrs Dookun-Luchoomun: In fact, Madam Speaker, this particular project is being done in collaboration with India. India has already identified a consultant, and the consultant has been appointed, Kothari Associates, if I am not mistaken. This was done after a due diligence exercise, and now we are still discussing about the cost of the project and soon implementation will be started, after the Indian side gives us the green light.

Madam Speaker: Next question, hon. Abbas Mamode!

CYCLONE BERGUITTA - ELECTRIC POLES

(No. B/313) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the electric poles, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the reported number thereof which fell during the passage of the Berguitta Cyclone, indicating the measures that have been or will be taken to avoid such recurrences.

The Deputy Prime Minister: Madam Speaker, I am informed by the Central Electricity Board that out of about 300,000 poles in the country, 25 poles were damaged during Cyclone Berguitta. The damage was caused by falling branches, trees and flying debris.

With regard to the measures being taken to avoid recurrence of such situation, the CEB is implementing the following measures –

- (i) lopping of trees and branches which are close to electric poles and overhead cables and conductors. This is subject to the consent of property owners;
- (ii) undergrounding of 22 kV and low voltage networks. This was started in June 2015 and not with the Metro Express. It is expected to achieve 50% of undergrounding by 2025. The investment for these undergrounding works is about Rs17 billion;

- (iii) replacement of bare conductors by insulated cables. 50% of the 22 kV network has already been insulated. The CEB aims to achieve 90% in the next 2 years;
- (iv) re-alignment of electricity networks which cross sugarcane fields or hunting grounds;
- (v) inspection of poles island wide and identification of poles that need to be replaced, and
- (vi) installing underground service cables for new consumers, wherever it is possible technically.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Is the hon. Deputy Prime Minister aware that following replacement of these poles, many regions were completely in the dark, the street lighting which is under the responsibility of local authorities? And is the hon. Deputy Prime Minister aware that no proper arrangement was made prior to the change of these poles?

The Deputy Prime Minister: Is the hon. gentleman referring to street lighting?

Mr Abbas Mamode: Yes, Madam Speaker, because the street lighting belonging to the local authorities are fixed on these poles.

Madam Speaker: So, the hon. Member is referring to street lighting.

The Deputy Prime Minister: I see. Yes, of course, when the poles get down, the lights get down and the light gets off.

(Interruptions)

Mr Abbas Mamode: Madam Speaker, my question is that when the poles were replaced, the lights were not replaced immediately after.

The Deputy Prime Minister: Well, then, that is a separate question. I mean, generally, I believe that the local authorities would have done the needful.

The question is interesting, because what happened was that poles did not just fall down in one town. They were isolated acts, and each time the local authorities had to do whatever they had to do. I cannot answer for what the local authority did. If the hon. Member wants to address the question to the hon. Vice-Prime Minister, he is most welcome.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Madam Speaker, the hon. Deputy Prime Minister stated that the undergrounding of the network - *le chiffre qu'il a annoncé* - was 17 billion. Is it Rs17 billion and, if yes, can we know from the hon. Deputy Prime Minister whether the contract has been awarded or contract out to a specific contractor?

The Deputy Prime Minister: No, it is Rs17 billion between 2015 and 2025, over 10 years. It is not one single contract to underground cables all over Mauritius at one go. It has started in 2015, it has cost a little bit of money, and we will do it gradually.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. Sometime in 2016, there was a Press article about *Électricité de France* having performed an assessment of electric poles of the CEB in Mauritius, indicating very basic faults like rusty bolts and so forth. Can I ask the hon. Deputy Prime Minister whether, at all, this report is still valid? Is CEB basing on this report to do things that need to be done? Because I was dumbfounded when I heard that *Électricité de France* has to come Mauritius to tell us that our poles are rusting.

The Deputy Prime Minister: I remember that very well because for 10 years nothing had been done. We are not talking of electric poles.

(Interruptions)

Madam Speaker: Order!

The Deputy Prime Minister: We are talking of a different matter altogether. Perhaps if the hon. Member...

(Interruptions)

But it is true! Nothing was done.

(Interruptions)

Madam Speaker: Hon. Jhugroo!

The Deputy Prime Minister: If the hon. Member wishes to come with a substantive question, I will gladly give all the details. If he does not, I will gladly make a statement to the House on the matter.

Madam Speaker: Hon. Bhagwan, last question!

Mr Bhagwan: Thank you, Madam Speaker. The hon. Deputy Prime Minister has informed us about the inspections made by the Central Electricity Board with regard to the poles. Is the hon. Deputy Prime Minister aware that in many places where we have wooden poles, people through their bad habit, I can say, poles are being burnt, burning of waste, burning of old tyres? Is the hon. Deputy Prime Minister agreeable to, at least, direct the CEB - I am the one who is not satisfied that the CEB is carrying out the proper inspection...

Madam Speaker: Please, don't make a statement!

Mr Bhagwan: Madam, one second....

Madam Speaker: Ask your question!

Mr Bhagwan: I have been working there...

(Interruptions)

Madam Speaker: No, ask your question!

(Interruptions)

Ask your question!

(Interruptions)

Hon. Bhagwan, please!

(Interruptions)

Please!

(Interruptions)

You know very well the procedure, hon. Bhagwan! I have said that you should not make a statement. You know the procedures very well, so, please, just ask your question!

(Interruptions)

Mr Bhagwan: I know, Madam.

Madam Speaker: So, ask your question!

Mr Bhagwan: Will the hon. Deputy Prime Minister, at least, instruct the Central Electricity Board to do their job properly? I am not satisfied with regard to inspection made because we do our rounds in our constituencies and we know what is happening.

The Deputy Prime Minister: Well, of course, the hon. Member knows that I am in no position at all to instruct the CEB on what to do. I make suggestions whenever I think that it should be done and these suggestions are followed up, satisfactorily or not, but it is a good point that the inspection must be carried out and there is always room for improvement.

Madam Speaker: Next question, hon. Abbas Mamode!

PORT LOUIS CITY - ROADS - NIGHT CLOSURES

(No. B/314) 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 roads in the Port Louis City area, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if they are closed to vehicular traffic at night and, if so, give a list thereof, indicating –

- (a) since when same is being implemented, indicating the reasons therefor, and
- (b) the opening and closing time thereof.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that closure of public roads to vehicular traffic in Port Louis City Area at night forms part of new measures under the Crime Control Strategy.

The roads which are closed every night are as follows –

- Maillard Street;
- Sir Virgil Naz Street;
- Suffren Street,
- Lislet Geoffroy Street;
- Farquhar Street;
- Queen Street;
- Bourbon Street;
- Sir William Newton Street;
- Royal Street, and
- Duke of Edinburgh Street.

As regards part (a) of the question, I am informed that this new measure is being implemented since 17 October 2017 for the prevention and detection of offences and ensuring safety and security in the above-mentioned zones, where several Government buildings and other business and commercial institutions are located.

It is to be noted that essential services, residents and those proceeding on business at ATMs and Pope Hennessy Police Station are allowed access.

Madam Speaker, regarding part (b) of the question, the above-mentioned roads are closed as from 22 00 hours every night and opened at 05 00 hours on the next morning.

Mr Abbas Mamode: Can the Rt. hon. Minister Mentor confirm to the House that prior to the closure of these roads, has there been a public notice or has this been published in the Government Gazette?

Sir Anerood Jugnauth: Well, I don't think that I have that information with me. But I suppose there must have been some notice to warn the public that these roads are going to be closed from such and such time.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. As a matter of fact, I raised this issue at Adjournment time the last time we met in Parliament. Can I ask the Rt. hon. Minister Mentor on what basis does the Police decide to place these barriers because on certain nights they are placed and on certain nights they are not placed? So, on what basis does the Police base itself to see that there is going to be a security issue tonight and not tomorrow?

(Interruptions)

Sir Anerood Jugnauth: Well, what I have been told by the Commissioner of Police is that when these roads were not closed all sorts of vagrants, burglars, prostitutes were roaming about in these streets and this is one of the reasons why these roads are being closed during these times.

(Interruptions)

Madam Speaker: Next question, hon. Abbas Mamode!

HOSPITALS - DUTY MANAGERS

(No. B/315) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime and Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to each of the public hospitals, he will give a list of the officers who have been assigned the duties of duty managers thereat, indicating in each case the –

- (a) normal posting thereof and post occupied;
- (b) date of assignment of duties, and
- (c) criteria applied for the selection thereof.

Dr. Husnoo: Madam Speaker, with your permission, I am tabling the information requested for parts (a) and (b).

As regards part (c), the criteria for the selection of doctors performing Duty Manager is on seniority basis among doctors who are willing to perform same and upon receipt of favourable reports from the Regional Health Director.

Madam Speaker: No question? Yes!

Mr Abbas Mamode: Since the hon. Minister has tabled and I have not got any copy, I would like to know the duties, that is, from 4.00 to the following morning, these Duty Managers are assigned the whole responsibility of the hospital. But do they have all the authorities? Because sometimes you may have a Duty Manager and you get a superior, somebody who has more experience, *et ils ne sont pas sous la responsabilité des* Duty Managers. They don't even - I witnessed it myself in some hospitals...

Madam Speaker: Okay!

Mr Abbas Mamode: I have witnessed it myself in some hospitals. What are the measures taken by the Ministry to empower these Duty Managers, especially at night?

Dr. Husnoo: Well, as the hon. Member mentioned, the Duty Managers work from 4.00 till 9.00 the next morning and they act. They have both clinical and administrative works and they are the most senior doctors usually. So, I think they should be experienced in the job.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Thank you very much, Madam Speaker. I am sure the hon. Minister would agree that this is a practice which has outlived its purpose in this day and age. Madam Speaker, why is it that we don't recruit people who have skills and who are skilled in human resource management to do the job? I think we have to leave doctors to do what they are deemed and qualified to do.

Dr. Husnoo: That is a different issue. Obviously, we can look into that later on because as the hon. Member knows, RHDs, Superintendents, Hospital Managers have always been doctors. I mean, that is a big debate, as the hon. Member knows. Some people want doctors to be in charge of hospitals and others want general managers and non-doctors to be in charge. But, that is a different debate.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you, Madam. Can the hon. Minister of Health and Quality of Life, for the benefit of the House, confirm as in the prevailing present situation most of the time these Duty Managers replace the Medical Superintendent at night, can he inform if the Duty Managers are able to shoulder responsibilities of Medical Superintendents?

Dr. Husnoo: I have just mentioned, Madam Speaker, they are very experienced doctors. In fact, they are the ones who are next according to seniority as well, they are experienced doctors. They have done all the rotation. In fact, they are the people who would eventually be Superintendents. So, I suppose they can replace them.

Madam Speaker: Yes, hon. Armance!

Mr Armance: Thank you, Madam. I am just given to understand that the Duty Manager has the role to ensure the proper running of the hospital at night. Is he aware that so many times at night there is no assistance in the Casualty? People are left by themselves. There is only security to help and the Duty Manager sits in the office?

Dr. Husnoo: We have so many doctors in Casualty. We have about 5 or 6 doctors in each hospital at night. They have to do their work.

(Interruptions)

Madam Speaker: Next question, hon. Abbas Mamode!

**MEDICAL AND HEALTH OFFICERS/SENIOR MEDICAL & HEALTH OFFICERS
– SPECIALISATION COURSES**

(No. B/316) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime and Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Medical and Health Officers/Senior Medical and Health Officers on the establishment of his Ministry, he will give a list thereof who are presently following courses leading to specialisation, indicating in each case –

- (a) since when;
- (b) the expected date of completion thereof;
- (c) the name of the university attended, and
- (d) the field of specialisation.

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

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Can I ask the hon. Minister, is it not a fact that because we are giving specialised doctors, contracts after their retirement when, in fact, we have young doctors who are qualified in the same field, but, unfortunately, they are not being replaced because they are specialised doctors who are in retirement on contract in the public sector?

Dr. Husnoo: You do not have that many doctors on contract. You do not have that many, but, having said that, sometimes in some specialities you have situations where you need the speediest doctor to be there. You do have that as well. Thank you.

Madam Speaker: Next question, hon. Henry!

DR. JEETOO HOSPITAL – VEHICLES - FLEET MANAGEMENT SYSTEM

(No. B/317) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Quality of Life whether, in regard to the Fleet Management System of the Dr. A.G. Jeetoo Hospital, he will state the amount of funds disbursed as at date in relation thereto, indicating the number of vehicles equipped therewith.

Dr. Husnoo: Madam Speaker, my Ministry, which has a fleet of around 300 running vehicles, is implementing a Fleet Management System in a phased manner to manage its fleets of vehicles using Satellite Based Global Positioning System technology. In the first instance, 92 vehicles comprising of ambulances, vans and lorries transporting drugs are involved. The contract for the supply and installation and commissioning of the Fleet Management System was awarded on 16 December 2016 for a contract price of Rs5,832,945 (Excluding VAT). The project was commissioned by the Ministry of Technology, Communication and Innovation and is fully operational since 31 May 2017. The 92 vehicles have been equipped with GPS device, fuel sensors and other device interfacing with the web-based Fleet Management System for monitoring. The main server of the Fleet Management System is hosted at the Government Online Centre, and provides coverage to the whole island of Mauritius through access via Government Infrastructure Network System to eight substations, namely the five regional hospitals, the Ministry headquarters at Emmanuel Anquetil Building, the Central Supply Division at Plaine Lauzun and the Operation Support Service at Vagrant Depot, Pointe aux Sables, where the Control Centre is based.

Madam Speaker, Dr. A. G. Jeetoo Hospital is one of the substations from where on-time data concerning fleet management parameters can be obtained for monitoring by both the administration of the hospital and by the Control Centre based at the Operation Support

Service. Currently, ten vehicles operating under the aegis of Dr. A. G. Jeetoo Hospital are equipped with GPS device and fuel sensors, namely 5 ambulances, 4 vans and 1 lorry.

Madam Speaker: Hon. Henry!

Mr Henry: Merci. Ce projet était pour améliorer l'efficacité du transport à l'hôpital. Je voudrai savoir du ministre s'il est satisfait de ces 92 véhicules équipés ?

Dr. Husnoo: This is the first phase of the project. We have a second phase for financial year 2017-2018 where the Ministry has awarded contract for 11 additional ambulances and these vehicles will be received by the end of June 2018. And for the Budget 2018-2019, 5 additional ambulances and 12 mini-buses are going to be taken on board as well.

Mr Henry: Est-ce que le ministre est satisfait du service ?

Dr. Husnoo: I know, like you, there has been some query about it. It is a system that we have just installed. We have had teething problems, but things are improving. It is better than before.

Madam Speaker: Yes, hon. Baboo!

Mr Baboo: Can the hon. Minister of Health inform, for the benefit of the House, as to whether an in-depth study has been carried out of the Fleet Management System, initially set up on a pilot basis at Dr. A. G. Jeetoo Hospital.

Dr. Husnoo: Actually, as I mentioned, we are trying to get the information from Dr. A. G. Jeetoo Hospital. I would not say that it is completed, but we are trying to get the figures to see whether it makes the difference or not. I have just mentioned, I know there are some complaints. I know we have some teething problems, but it takes a bit of time for it to get sorted out.

Madam Speaker: Next question! Hon. Henry!

POINTE D'ESNY BEACH - ACCESS

(No. B/318) **Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Housing and Lands whether, in regard to the Pointe d'Esny Beach, he will state if he is aware that some owners of properties situated on *Pas Géométriques* thereat are obstructing access thereto and, if so, indicate if remedial measures have been or will be taken in relation thereto.

Mr Jhugroo: Madam Speaker, the issue of obstruction on public beach has already been raised by my colleague, hon. Hurreeram, Government Chief Whip, during Adjournment Time.

(Interruptions)

Why are you laughing?

Madam Speaker: Please!

(Interruptions)

Hon. Jhugroo! Do not communicate with other Members! Please give your reply!

Mr Jhugroo: I will start again! The issue of obstruction...

(Interruptions)

Madam Speaker: Order, please!

Mr Jhugroo: ...on public beach has already been raised by my colleague, hon. Hurreeram, the Government Chief Whip, during Adjournment Time of the first Parliamentary session held on 27 March 2018.

As an elected Member of Constituency Number 12, I am aware of representations made by Members of the public who complained that they cannot access to the beach due to obstructions caused by lessees of *Pas Géométriques*.

Madam Speaker, in the case of Pointe d'Esny beach, I am informed that the Beach Authority convened a site visit on 19 February 2018, whereby it was found that one *Campement* Site lessee has placed wooden poles and ropes on the beach, thus obstructing passage to the sea in front of the said *Campement* Site. Some wooden poles had also been placed beyond high water mark. According to the Beach Authority Act 2002 –

“public beach -

(b) includes the space between the low water mark and the high water mark, and also the surrounding waters up to a distance of 100 metres.”

The lessee is in contravention of Article 3(c) (iii) of its lease agreement whereby mention has been made that no fencing shall obstruct the access and passage of any person to the beach and the sea. A notice has already been issued to the lessee for the latter to remove

all obstructions by 09 May 2018. Should the lessee fail to comply with the notice, advice of the State Law Office will be sought to initiate action for the cancellation of the lease.

I wish to inform the House that following my assumption in office as Minister of Housing and Lands, I gave instructions to officers of my Ministry to prepare a plan for the creation of more accesses to the sea, in particular, in areas where there is no such access from a public road.

Madam Speaker, a preliminary plan has been prepared and as soon as the report on the accesses is finalised, the implementation process will start.

Madam Speaker, I am tabling 2 snapshots taken on 04 May 2018.

(Interruptions)

Ena tossi ensam!

Madam Speaker: Hon. Henry!

Mr Henry: Merci, Madame la présidente. Je voudrai savoir du ministre, est-ce qu'il est au courant que pas plus loin que la semaine dernière, il y a eu des incidents justement sur cette plage?

Mr Jhugroo: Yes, Madam Speaker, I am aware and we are doing needful.

Madam Speaker: Yes, hon. Henry!

Mr Henry: Je pourrai savoir quelles sont les mesures que vous allez prendre ?

Mr Jhugroo: Madam Speaker, I mentioned earlier that my officers are doing site visits everywhere and even at that particular site, they had been there.

Mr Henry: Mais est-ce qu'il y a des mesures concrètes que vous avez prises ?

Mr Jhugroo: I mentioned earlier, Madam Speaker, that we have given notice to the lessee and a notice has already been given to the lessee - maybe he has not listened to my answer - and he has to remove all obstructions by 09 May 2018. It is tomorrow. We have to wait until tomorrow.

Madam Speaker: Hon. Ramful!

Mr Ramful: Thank you, Madam Speaker. Given that the hon. Minister said it himself that he is an elected Member of the Constituency Number 12, has he personally been

on site; instead of taking measures through his officers, has he been on site, and, if not, will he be going on site and then find a solution?

(Interruptions)

Mr Jhugroo: I thank my hon. friend for asking me this question. Last year my hon. friend, the former Vice-Prime Minister, Minister of Housing and Lands and I, we had made a site visit. I had been there. We are having site visits everywhere where we have got such problems and we are taking remedial actions.

Madam Speaker: Next question, hon. Ameer Meea!

PUBLIC HEALTH INSTITUTIONS - EXPIRED DRUGS - INQUIRY

(No. B/319) 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 allegation of the dispensation of expired drugs to patients in public health institutions, since January 2017 to date, he will state if an inquiry has been initiated in relation thereto and, if so, indicate the –

- (a) outcome thereof, and
- (b) measures taken to prevent the recurrence thereof.

Dr. Husnoo: Madam Speaker, let me, at the outset, assure Members of the House that this issue of expired drugs is of much concern to my Ministry. There are many factors contributing to patient care, treatment as well as dispensing of drugs.

I wish to inform the House that subsequent to several press articles since the beginning of this year regarding the alleged dispensing of expired drugs, investigations were carried out by an independent team of my Ministry in March 2018.

With regard to part (a) of the question, the team submitted a report together with recommendations. Following the investigation and, as per record, there is no evidence that the drugs emanated from the health institution concerned.

Madam Speaker, with regard to part (b) of the question, subsequent to the investigation, an implementation plan of the recommendation with different timeframe immediate, short-term, long-term and order of priority has been worked

out. Some of the recommendations are namely -

- a computerised system of stock management;
- proper infrastructure for storage of drugs;
- labelling;
- dispensing;
- standard operating procedures;
- increasing manpower, and
- education sensitisation of the public in the use drugs at homes.

Furthermore, regular visits are conducted on a monthly basis by the pharmacy staff to Medic Clinics, Area Health Centres and Hospitals to monitor stock and expired dates of drugs. Copies of the inspection report will be submitted to my Ministry for follow-up.

I would also like to inform the House that well before the alleged dispensing of expired drugs, a survey on expired drugs was carried out by my Ministry in September 2017. Subsequently arrangements were made with the Solid Waste Division of the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development to dispose all the stock of expired medication at Mare Chicose Landfill.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes, Madam Speaker, regarding the outcome of the inquiry, did I hear well that the hon. Minister mentioned that the medicines were not from the hospital. Did the inquiry give that as the reason?

Dr. Husnoo: They mentioned that. The medicines that were brought were not from that particular batch.

Mr Ameer Meea: In several cases?

Dr. Husnoo: That was the report I have.

Mr Ameer Meea: It's strange because there was not only one case, to my information there were several cases. Madam Speaker, the staff management of medicine has been criticised several years back by the Director of Audit. So, my question to the hon. Minister, since we are spending billions every year – the Minister of Health should know that very well - in drugs, in medicine, is it not high time to treat this as urgent, so that we have a modern

computerised stock management system? This is done in private clinics. Why cannot it be done in public hospitals?

Dr. Husnoo: Madam Speaker, I completely agree with the hon. Member. I know that the drugs are being kept at different places. Actually, before that, we sent tender out to look for space to keep our drugs properly and we did not manage to get it. We are looking for 50,000 square feet of space, we could not manage to get it. That is number one.

Last week, I personally visited a store at Castel...

(Interruptions)

No, not Sunray; Castel.

I visited the space myself to see whether we can have a space where we can transfer these drugs. If everything goes all right - I say 'if' - maybe in one month I will be able to transfer some of the drugs from places like Sunray, Marketing Board, Tobacco Board or whatever. So, I am concerned about it and that is what we have been doing the last few months and last week. We are working as well to get a permanent new store to keep our medicine where we have proper temperature, humidity and a computerised system. I appreciate the importance of this project. I can assure the hon. Member about the temporary measures that I am taking, but I am working on the permanent measures as well.

Madam Speaker: Hon. Ms Sewocksingh!

Ms Sewocksingh: Thank you, Madam Speaker. Can the hon. Minister inform the House...

(Interruptions)

Madam Speaker: Please order!

(Interruptions)

Hon. Baloomoody, please don't interrupt the hon. Member; allow her to ask her question!

Ms Sewocksingh: Thank you, Madam Speaker. Can the hon. Minister inform the House whether medication kept at the pharmacies of the public health institutions and dispensed to respective wards are kept within the prescribed temperature mainly during summer periods and whether these institutions together with their wards are properly equipped to that effect?

(Interruptions)

Madam Speaker: Hon. Baloomoody!

Dr. Husnoo: I have asked my pharmacists and the technicians to go in the different wards in all the hospitals to make sure that medications are well kept. So, I have asked them and I am waiting for the report as well. I appreciate that.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Madam Speaker, we know that, in a private sector if a pharmacist sells expired drugs, he is subjected to consequences from the Pharmacist Board. Can I ascertain, in the wake of this dispensation of expired medication, whether any public sector pharmacist has been subjected to any inquiry or disciplinary procedure or any sort of consequences laid down by the guidance and procedures of the Pharmacist Board?

Dr. Husnoo: As you are aware, there was an inquiry recently on a case where the baby died. We got the report from Fact-Finding Committee. We got a Committee, as I have mentioned it in the last time, which is going through that report because apart from the...

(Interruptions)

Madam Speaker: Hon. Baloomoody!

Dr. Husnoo: The hon. Member should ask his question and I will answer him.

Madam Speaker: Hon. Baloomoody, question from a sitting position is not allowed.

Dr. Husnoo: Every time I speak the hon. Member is making a comment from a sitting position. The hon. Member should make his question.

(Interruptions)

We have got a Committee which is looking into that as well.

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

At 1.04 p.m., the sitting was suspended.

On resuming at 2.39 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Ameer Meea!

HOSPITALS - SAMU AMBULANCES - PROCUREMENT

(No. B/320) 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

procurement of five new SAMU ambulances, he will state if same have been delivered and, if so, indicate the public hospitals to which they have been attached.

Dr. Husnoo: Mr Deputy Speaker, Sir, the contract for the procurement of the five new SAMU ambulances namely the ACRLS ambulance was awarded on 19 February 2018 and the supplier has to deliver the vehicles within a maximum of 20 weeks as from the date of the letter of award, that is, at latest by the first week of July 2018.

The new SAMU ambulance will be attached to each of the five regional hospitals.

Mr Ameer Meea: Mr Deputy Speaker, Sir, in a previous PQ on the same issue the hon. Minister informed the House that there are normally two ambulances attached per regional hospital; one on a 24-hour basis and the other one in week days from 09.00 to 4.00 and on weekends from 09.00 to noon. I know there has been efforts to increase the number of ambulances, but in view of the unfortunately increasing number of accidents on the road is it not time to really increase considerably the number of ambulances not only to the regional hospitals, but also to all the hospitals around the island because I think 10 hospitals for the population of Mauritius, 1.2 million inhabitants, it is few?

Dr. Husnoo: Unfortunately, I know we are a couple of months late for this because as I mentioned the last time we should have got the ambulances a bit earlier. Now, as I mentioned before, we have two per hospital, but these are specialised ambulances. They are not ordinary ambulances. As far as ordinary ambulances are concerned, we have about 5, 6 or even more per hospital. These are specialised cardiac ambulances. So, we will have three now. Once we get this, it is going to be three per hospital. I think that we are going in the right direction.

Mr Ameer Meea: Yes, it is increasing, but it is only three per regional hospital, not all hospitals. Coming back to the answer the hon. Minister just gave to the House in relation to the five new ambulances, he said that contract was awarded in February. Am I right to say that?

Dr. Husnoo: Yes.

Mr Ameer Meea: And also may I know to whom the contract was awarded and does he have the contract value?

Dr. Husnoo: The contract was awarded on 19 February, as I mentioned. It was awarded to Crans Co. Ltd for a value of Rs37,375,000.

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: Can I know from the hon. Minister whether in these specialised ambulances provisions have been made, as we have in UK and elsewhere, for disabled persons to have easy access with a sort of specialised ladder for people?

Dr. Husnoo: Yes, as I mentioned, these are very specialised ambulances, I mean for very sick people and anybody who is on a wheel chair or even on a stretcher, they can get access to this. They are very specialised ambulances.

The Deputy Speaker: Hon. Jahangeer!

Mr Jahangeer: Mr Deputy Speaker, Sir, can the hon. Minister inform the House if these SAMU ambulances are equipped with tracking device like GPS and 4G or 5G telecommunication system so that while bringing *la personne accidentée*, they can contact the hospital, the specialist while driving?

Dr. Husnoo: Yes, exactly. They are equipped with these kinds of facilities because as soon as the patient comes into the ambulance, the ambulance driver can contact the hospital, start the medication and discuss with the doctors. They start the medication on the way to the hospital.

The Deputy Speaker: Hon. Rughoobur, next question!

SUPREME COURT – CIVIL & CRIMINAL CASES

(No. B/321) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or) asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to civil and criminal cases, he will, for the benefit of the House, obtain from the Master and Registrar, information as to the number thereof pending before the Supreme Court since over ten years.

Mr Gobin: Mr Deputy Speaker, Sir, I am informed by the Master and Registrar that the statistics are as follows –

- For criminal cases pending over 10 years before the Supreme Court, the number is nil.
- For civil cases pending over 10 years before the Supreme Court, the number is 412.

Mr Rughoobur: It is a very serious issue, indeed, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, may I ask the hon. Attorney General - before coming to what he intends

to do - one of the most important and interesting judicial reform that has been undertaken during the recent years was in Singapore in the 1990s. For reasons of ensuring that it does not hamper the economic development and if I may quote very quickly and very briefly what Lee Kuan Yew said –

“If we want to be a top financial centre, we must have lawyers and Courts to match’.

May I know from the hon. Attorney General what he intends to do together with the Judiciary to ensure that we fight his issue of delayed justice?

Mr Gobin: Mr Deputy Speaker, Sir, I do not propose to set out in the reply to a supplementary question the actions being taken by Government. Suffice it to say that we are tackling this issue with strict respect for the separation of powers between the Executive, the Legislature and the Judiciary especially, but reforms are on-going and there will be furthermore reforms in due course.

The Deputy Speaker: Hon. Fowdar!

Mr Fowdar: Thank you, Mr Deputy Speaker, Sir. I do understand the issue of separation of powers, but this issue is not to the knowledge of the public. The public has a perception that this is the doing of the Government. But we do understand that there is separation of powers and the Judiciary is independent. Can I ask the hon. Attorney General - I know he is working in good faith and he is new – whether he contemplates to implement the case management system that we have in the UK in order to expedite this delay to get it running, to get it faster?

Mr Gobin: I am not an expert in the UK system, but I can assure the House that we will make full use of electronic facilities wherever we can in order to assist the Judiciary with risk management up to the stage of monitoring of judgments as well. This is a project which my office is currently working on.

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. Out of the 412 cases which are pending for the last 10 years, can the hon. Attorney General tell us today in this House, how many cases have been part-heard where Judges have either retired or have passed away and those cases still remain pending and not being assigned to new Judges?

Mr Gobin: Unfortunately, I do not have that specific information.

The Deputy Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Mr Deputy Speaker, Sir. This issue of building bridges is an important strategy drive upon which many reforms have been undertaken elsewhere. May I know from the hon. Attorney General, whether it is the Bar Council, the Judiciary, these actors, whether there has been consultation, or is there a platform to investigate on ways and means as to how this issue of delayed justice can be addressed?

Mr Gobin: Mr Deputy Speaker, Sir, when I look at the main question, it was about statistics and now I am being asked to answer whether we are consulting the Bar Council. Suffice it to say that there are ongoing reforms, all stakeholders will be consulted.

The Deputy Speaker: Next question, hon. Rughoobur!

INTERMEDIATE COURT – CIVIL & CRIMINAL CASES

(No. B/322) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or) asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to civil and criminal cases, he will, for the benefit of the House, obtain from the Master and Registrar, information as to the number thereof pending before the Intermediate Court since over ten years.

Mr Gobin: Yes, Mr Deputy Speaker, Sir, I am informed by the hon. Master and Registrar that the statistics requested are as follows -

Criminal cases pending over 10 years before the Intermediate Court is 1.

Civil cases pending over 10 years before the Intermediate Court: 49.

Mr Rughoobur: Yes, thank you, hon. Minister.

The e-Judiciary, the first phase was launched in 2010 and it was implemented successfully I believe at the Supreme Court, but in relation to subordinate Courts, the question is on the Intermediate Court. May I know from the Attorney General - he just mentioned about this investment in IT - what is the status of the second phase of e-Judiciary?

Mr Gobin: Mr Deputy Speaker, Sir, I need notice of this question.

The Deputy Speaker: Hon. Ramful!

Mr Ramful: Thank you, Mr Deputy Speaker, Sir. May I know from the hon. Attorney General, whether the mediation which is being currently practised at the level of the Supreme Court, would that be extended to Intermediate Court cases, as well, in the near future?

Mr Gobin: I can take matters up with the Judiciary.

The Deputy Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Mr Deputy Speaker, Sir. With regard to the 49 criminal cases pending since over 10 years, does the Attorney General...

Mr Gobin: Civil?

Mr A. Duval: Criminal?

Mr Gobin: Civil: 49 cases; criminal: one case.

Mr A. Duval: With regard to the one criminal case, may we know if the accused parties or party is being remanded or is free?

Mr Gobin: I do not have this specific information.

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: One of the significant reasons why cases tend not to get priority is we have noticed that there are Magistrates at the Intermediate Court sharing Courts every day, which means that many cases that ought to be heard in the morning never get heard and then postponed. So, can the Attorney General, at least, give us some indication whether this concept of sharing Courts will become a tradition in our country or will this be considered and re-organised so that each Magistrate has his own Court to deal with cases expeditiously?

Mr Gobin: I do not have ministerial responsibility for the management of the Court House, which is under the responsibility of the Judiciary. However, I can speak about the responsibility I have and I can say that Government is committed to providing the adequate infrastructure to the Judiciary as we demonstrably show with the construction of the new Supreme Court Tower and the provision of SIF Buildings to the District Court of Savanne and Rivière du Rempart/Pamplemousses. There are other efforts that Government will put in that direction.

The Deputy Speaker: Hon. Rughoobur!

Mr Rughoobur: May I know from the hon. Minister, if he has the answer, whether due to these number of cases that he has mentioned, more than 10 years that are still pending, whether he has statistics of the number of cases where there is stay of execution because of extreme delay in disposal?

Mr Gobin: No, there would not be, I presume, stay of execution because these cases are still pending. I do not want to give details of those cases precisely because they are pending before the Court.

The Deputy Speaker: Next question, hon. Rughoobur!

SUPREME COURT – JUDGES

(No. B/323) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or) asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Judges, he will, for the benefit of the House, obtain from the Master and Registrar, information as to the number thereof in post in each of the years 2009, 2016 and 2017.

Mr Gobin: Mr Deputy Speaker, Sir, the figures for the years 2009, 2016 and 2017 are as follows –

Year	No. of Puisne Judges in post
2009	15
2016	17
2017	18

The Deputy Speaker: Hon. Rughoobur!

Mr Rughoobur: In relation to appointment of Judges which is done by the present in accordance with the advice of the Judicial and Legal Service Commission, may I know from the hon. Minister if he is contemplating, as suggested in the Mackay Report, to review the composition of the Commission with the appointment of one private member from the legal profession and one from the business sector, having experience in recruitment and selection?

Mr Gobin: Mr Deputy Speaker, Sir, the question was about number of Judges in post for specific years. I do not have, I do not propose to.

The Deputy Speaker: Next question, hon. Tarolah!

BEL AIR - MARKET – CONSTRUCTION

(No. B/324) **Mr K. Tarolah (Third Member for Montagne Blanche & GRSE)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the proposed construction of the Bel Air Market, she will state where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I am informed by the District Council of Flacq that with regard to the proposed construction of Bel Air Market, a plot of land of the extent of five *arpents* has been identified by the Minister of Housing and Lands along the Belle Mare, Palmar, Trou d'Eau Douce, B59 Road for the said construction.

A request has been made to the Valuation Department to assess the value of the land so that an offer can be made to the owner for its acquisition. In the meantime, the bidding document is being prepared and will be finalised once the land acquisition procedures are finalised.

The Deputy Speaker: Next question, hon. Tarolah!

**MONTAGNE BLANCHE – FIRE AND RESCUE SERVICE STATION –
CONSTRUCTION**

(No. B/325) **Mr K. Tarolah (Third Member for Montagne Blanche & GRSE)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the proposed construction of a Fire and Rescue Service Station at Montagne Blanche, she will state where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I am informed by the Mauritius Fire and Rescue Service that with regard to the proposed construction of a Fire and Rescue Service Station at Montagne Blanche, a plot of land of an extent of 3,758 square metres located at Montagne Blanche has been identified and vested in the Mauritius Fire and Rescue Service for the said construction. The project implementation has already been included in the Public Sector Investment Programme for implementation in 2020-2021 and 2021-2022. Funds for the project implementation will be considered in the forthcoming Budget 2018-2019.

Mr Tarolah: Can the hon. Vice-Prime Minister enlighten the House about the amount already earmarked for the project?

Mrs Jeewa-Daureeawoo: The estimated cost of the project will be about Rs57 m.

The Deputy Speaker: Next question, hon. Tarolah!

MONTAGNE BLANCHE CEMETERY - JANAZA PLATFORM - CONSTRUCTION

(No. B/326) **Mr K. Tarolah (Third Member for Montagne Blanche & GRSE)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the project for the construction of a Janaza Platform at the Montagne Blanche Cemetery, she will, for the benefit of the House, obtain from the District Council of Moka, information as to where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): Mr Deputy Speaker, Sir, I am informed by the District Council of Moka that a request was made by the inhabitants of Muslim faith residing in the region of Petit Paquet, Montagne Blanche, for the construction of a covered Janaza Platform with lighting facilities at the Muslim section of the Montagne Blanche Cemetery.

Since sufficient land is not available within the Montagne Blanche Cemetery for the construction of a Janaza Platform thereat, a plot of land of an extent of 2,880 square metres has been identified adjacent to the Muslim section of the Montagne Blanche Cemetery for the construction of the Janaza Platform as well as for the enlargement of the cemetery to accommodate new graves.

A request is being made to the Ministry of Housing and Lands for the acquisition of the whole plot of land to be then vested with the District Council of Moka for this purpose.

Mr Tarolah: Thank you, hon. Vice-Prime Minister. Can the hon. Vice-Prime Minister give a time frame as to when this project is expected to be completed?

Mrs Jeewa-Daureeawoo: Well, I think it is too early now to talk about the time frame of the project because the land has to be acquired first and then the procedure will follow.

The Deputy Speaker: Next question, hon. Ramano!

HOSPITALS - LABOUR WARDS - DELIVERIES

(No. B/327) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Health and Quality of Life whether, in regard to the public hospitals, he will state if consideration will be given for the advisability of allowing the presence of the fathers in the labour wards to assist child delivery thereat and, if so, when and, if not, why not.

Dr. Husnoo: Mr Deputy Speaker, Sir, presently, deliveries are being effected in all regional hospitals, including the New Souillac and Mahebourg Hospitals.

In public hospitals, normal deliveries are being carried out by experienced midwives. In certain cases, Senior Medical Health Officers are posted in the section to assist in deliveries. For all other complicated or risk associated cases and in Caesarean section, these are performed by specialist doctors.

The present setup of labour wards in the public hospitals is actually of the open type, that is, it is not individualised or in cubicles. Many patients in labour await delivery together in a common room. Within this ward, there is a dedicated area where deliveries are being carried out. As such, as I mentioned, we do not have any private cubicle.

Mr Deputy Speaker, Sir, it is felt that immediately it will be difficult to allow any male other than doctors inside a labour ward for obvious reason. However, my Ministry is looking into the possibility of allowing same as soon as practicable.

However, such a decision will entail many ancillary issues, including modification works. For example, identification of new spaces, redesigning the existing infrastructure for provision of cubicles, training of additional staff and assistants like midwives and purchase of any additional equipment, if so needed.

Mr Deputy Speaker, Sir, at present, fathers can accompany their wives for elective Caesarean section at Dr. Jeetoo Hospital. I would like to assure the House that I am fully agreeable for husbands to be present in the delivery room when their wives are in labour.

Unfortunately, because of the issues mentioned above, it may take some time, but we are going to work in that direction.

Mr Ramano: M. le président, je tiens à remercier le ministre pour sa réponse. Je pense que la réponse va tout droit dans le sens de la question. Nous savons tous la controverse qui est survenue sur la question des jumelles, et il est de plus déjà la pratique au niveau du privé et aussi au niveau international. Donc, je demanderai au ministre de s'assurer que cette pratique soit une réalité dans les jours à venir, parce que c'est une réalité qui existe déjà dans le privé et aussi au niveau international.

Dr. Husnoo: Yes, I agree with the hon. Member, Mr Deputy Speaker, Sir. We are going to work in that direction, as I mentioned.

The Deputy Speaker: Next question, hon. Ramano!

HOSPITALS & CLINICS – TERMINATION OF PREGNANCY - CASES

(No. B/328) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Health and Quality of Life whether, in regard to termination of pregnancy, he will state the number of -

- (a) authorised cases thereof carried out in specified circumstances in public hospitals and in private clinics, respectively on a yearly basis, since November 2015 to date, and
- (b) unlawful reported cases thereof.

Dr. Husnoo: Mr Deputy Speaker, Sir, with your kind permission, I am going to table the information requested for.

Mr Ramano: M. le président, le temps que je puisse prendre connaissance de la réponse qui a été fournie par M. le ministre, les chiffres qui sont fournis par les organisations militant pour les droits de la femme et aussi de la famille, telles que la *Mauritius Family Planning Association*, font état d'une complication pour chaque 10 cas qui sont référés aux hôpitaux et aussi aux cliniques.

En 2014, les complications se chiffrent à 501 ; 2015, 634, et en 2016, 487. Ces organisations font état de pas moins de 15,000 cas d'avortement chaque année. Donc, dans le cadre de la loi qui est passée en 2013 dans des cas spécifiques qui sont permis, je demanderai au ministre s'il est d'accord, si le gouvernement éventuellement est d'accord pour revoir cet état de choses, pour que les chiffres qui sont pratiqués dans le pays soient en réalité avec la loi existante, parce qu'il est clair aujourd'hui que la loi existante fait état de seulement 3 cas officiellement en application de la loi en 2015, 14 cas en 2016, et 7 cas en 2017, alors que les chiffres aujourd'hui dans la pratique sont beaucoup plus nombreux que cela. Est-ce que le ministre est d'accord pour donner un *fresh look* à tout cet aspect des choses, pour que la réalité puisse être prise en considération ?

Dr. Husnoo: The figures that I have mentioned here, that I have circulated now are the official figures that I have received. Having said that, complication of abortion, including spontaneous abortion, is much more than the official figures. These are official figures for termination of pregnancy, but complications are much more than that. There is a discrepancy in the figures, maybe in the way we categorise them. Obviously, we will have to look into it.

The Deputy Speaker: Next question, hon. Ganoo!

BAGATELLE DAM & LA MARIE TREATMENT PLANT – WATER SUPPLY

(No. B/329) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to water supply, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if untreated water from the Bagatelle Dam is being blended with treated water from La Marie Treatment Plant and supplied to consumers and, if so, why.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Central Water Authority that no water from Bagatelle Dam is being blended with treated water from La Marie Treatment Plant.

Mr Ganoo: Mr Deputy Speaker, Sir, in fact, I conveyed to the Ministry that this was not my original question. Unfortunately, the question I addressed to the hon. Deputy Prime Minister has been redrafted and has no sense, in fact. But I am sure that the hon. Deputy Prime Minister has understood that this is a mistake and the question is, in fact, whether untreated water from Bagatelle Dam is being...

The Deputy Prime Minister: On a point of order, Mr Deputy Speaker, Sir.

Mr Ganoo:...is being supplied...

The Deputy Prime Minister: On a point of order, Mr Deputy Speaker, Sir. May I rise on a point of order?

The Deputy Speaker: Yes.

The Deputy Prime Minister: This is the question that I have received. I am not aware of the question which was intended. If there is such a case, the Standing Orders provide that the question is withdrawn and reformulated with the assistance of the Speaker. This has not been done. I am taken utterly by surprise, especially the statement that the hon. Member would have contacted the Ministry, of which I am not aware at all!

Mr Ganoo: I even conveyed to the Ministry yesterday that a mistake has been made to this question. But never...

The Deputy Speaker: Hon. Member, I will draw your attention to...

Mr Ganoo: Will you allow me? In the light of the answer given by the hon. Deputy Prime Minister...

The Deputy Speaker: Hon. Member, I will draw your attention to Standing Order 21 (5) -

“The Clerk shall have full power to sub-edit questions.”

It cannot now be the subject matter of debate. I will invite you if you have further questions on the issue.

Mr Ganoo: Yes, but there is a difference between subediting and changing, Mr Deputy Speaker, Sir. But never mind.

Mr Sinatambou: On a point of order!

(Interruptions)

The Deputy Speaker: Hon. Members, allow the hon. Minister...

(Interruptions)

Hon. Members, allow the hon. Minister to take the point of order!

Mr Sinatambou: Mr Deputy Speaker, Sir, the hon. Member, as a seasoned Member of Parliament, should know that any matter dealing with the editing or amendment of a Parliamentary Question should be taken privately with Madam Speaker and not inside the House. Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: This is, indeed, regulated by Standing Order 21(4). Hon. Ganoo, do you have further questions on the issue?

Mr Ganoo: Is the hon. Deputy Prime Minister aware that some 4,000 to 6,000 m³ of raw surface water from Bagatelle Dam is being injected since mid-December 2017 into a pipeline from Trianon boreholes and this water is being sent to Rose Hill Reservoir and distributed to consumers of Beau Bassin right now so that, at the moment, consumers are being supplied with water which is not being treated properly and are consuming that water?

The Deputy Prime Minister: It is very easy under the guise of one question to come with a second question altogether for which I have not been prepared. This question is certainly a most interesting question to which I will reply if notice is given as in the normal course of things; otherwise, Parliament would become mayhem.

The Deputy Speaker: Hon. Osman Mahomed!

(Interruptions)

The Deputy Prime Minister: No, I am sorry, Mr Deputy Speaker, Sir...

Mr Ganoo: The question is phrased as follows: Whether the hon. Deputy Prime Minister will, for the benefit of the House, obtain from the CWA information as to if untreated water from the Bagatelle Dam is being blended or not.

(Interruptions)

He can say that it is not being blended. Is it being supplied to consumers? This was my question.

The Deputy Prime Minister: That is not the question. The question is, whether the water from Bagatelle Dam is being blended with water from La Marie Treatment Plant. I have answered.

Mr Ganoo: Yes, but I have come back with a supplementary question. Forget about La Marie! Tell us whether water from Bagatelle Dam is being supplied!

(Interruptions)

The Deputy Speaker: Hon. Osman Mahomed!

The Deputy Prime Minister: Yes, actually I will forget the question.

Mr Osman Mahomed: Thank you, Mr Deputy Speaker, Sir. We are talking about public health. We are talking about a very serious issue which the hon. Member has brought before the House. The hon. Deputy Prime Minister chairs management meeting, I believe, every week, with officers of the CWA. Can he tell the House whether or not he is aware that untreated water is at all being injected into the pipes of the CWA? This is a question I believe he does not need any preparation.

The Deputy Prime Minister: It is not what the hon. Member believes that matters. It is the Standing Orders of the House that matter.

(Interruptions)

Please, give me notice! Not *la honte!* Wait until I answer you on *la honte!* Please, give me notice of the question and I will reply with all information.

(Interruptions)

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: Mr Deputy Speaker, Sir, in the light of what we have heard and mention has been made of Beau Bassin, my Constituency, and also Rose Hill, can the Deputy Prime Minister give the assurance to the inhabitants of Rose Hill and Beau Bassin that they are being supplied with quality water, treated water according to the norms?

The Deputy Prime Minister: I have no indication that the contrary is taking place. So, I must assume that treated water, proper water is being distributed. What I know, is that there are regular checks of the quality of water given to all areas of Mauritius.

The Deputy Speaker: Hon. Ganoo!

Mr Ganoo: Can I ask the hon. Deputy Prime Minister to check? I am not having a go at the hon. Deputy Prime Minister. Perhaps he is not aware, but I will tell him to go and check this information. After I had put this question, a pressure filter has been put on the site end of April, and from my information, even this pressure filter is not working properly and has not been able to solve the problem so that still at present consumers of Beau Bassin region are being provided with untreated water.

(Interruptions)

The Deputy Speaker: I understand this is no question, this is a statement. Hon. Bérenger!

Mr Bérenger: Can I put it to the hon. Deputy Prime Minister that this is a subject that requires a serious statement from him, and that at the first opportunity he carries out the kind of inquiries that he should carry out and inform the people of Rose Hill, Beau Bassin and other regions what is the situation exactly? It warrants a full-fledged statement after inquiry.

(Interruptions)

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, can the hon. Deputy Prime Minister confirm whether since December 2017 up to now, there has been any massive health complaint from inhabitants of Beau Bassin/Rose Hill?

(Interruptions)

Ale okip Obeegadoo! Ale okip Obeegadoo!

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Mr Rutnah: *Ale okip Jeeha, Obeegadoo!*

(Interruptions)

The Deputy Speaker: Order!

Mr Rutnah: *Ale okip Jeeha, Obeegadoo!*

(Interruptions)

The Deputy Speaker: Hon. Members!

(Interruptions)

Mr Rutnah: *Reste trankil.*

The Deputy Speaker: Hon. Members, order! Hon. Rutnah, please proceed!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. May we know whether there has been any complaint from the inhabitants of Beau Bassin/Rose Hill that they have suffered from impure water related diseases?

The Deputy Prime Minister: I, for one, am in good health. My good friend, hon. Bhagwan, appears to be in extremely good health. The inhabitants of Rose Hill and Beau Bassin have not complained. If there had been complaints, I would have certainly addressed the issue. If at all this matter warrants any further interference I shall certainly do so. But for the moment, let me do my job. I know how to do my job.

The Deputy Speaker: Next question! Hon. Bhagwan!

ALBION - PETROLEUM JETTY PROJECT

(No. B/330) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the Petroleum Jetty Project at Albion, he will state the name of the Indian firm which has been awarded the contract for the conduct of the Geotechnical Investigations (Offshore) component in relation thereto.

Mr Gungah: Mr Deputy Speaker, Sir, in line with the vision of the Government to develop Mauritius as a Petroleum Hub, it is proposed to put up an oil terminal and a jetty at Albion. And prior to implementing such a project, a detailed feasibility study needs to be carried out.

I am informed by the State Trading Corporation that the contract for the conduct of the Geotechnical Investigations (Offshore) component of the study has been awarded to the Indian firm Coastal Marine Construction & Engineering Ltd (COMACOE) by a joint working group comprising the STC, Indian Oil Corporation Ltd and Mangalore Refinery and Micro Chemicals Ltd.

Mr Bhagwan: Can the hon. Minister inform us whether this firm which has been allocated the contract has carried out such studies on small islands like Mauritius recently or in the past?

Mr Gungah: Mr Deputy Speaker, Sir, the consultant has studied all the components that are concerned with this contractor before advising the joint working group to go with this contractor.

Mr Bhagwan: May we know whether the hon. Minister has information as to which country this consultant – who has been awarded the contract - has carried out such types of work? If he does not have this information, he can inform us later on.

Mr Gungah: I do not have this information.

Mr Bhagwan: Can the hon. Minister inform the House whether he has any idea about this detailed feasibility study? When approximately will that be given to the STC?

Mr Gungah: There are different components of the detailed feasibility study and as far as the offshore investigation is concerned, Mr Deputy Speaker, Sir, it is going to last around 60 to 70 days.

Mr Bhagwan: Can I ask the hon. Minister whether he has received any representations from the inhabitants of the region of Albion and Belle Vue area with regard to the implementation of this project, is he ready to receive the inhabitants, listen to their qualms and reassure them, especially with regard to the environmental problems?

Mr Gungah: Mr Deputy Speaker, Sir, I replied to this question earlier to the hon. Member's Parliamentary Question. It all depends on the results of the studies where Government will decide on the project. I hope we are going forward with the project. If we are going forward, definitely I am going to meet all the stakeholders.

The Deputy Speaker: Next question, hon. Bhagwan!

MAURITIUS FILM DEVELOPMENT CORPORATION - OVERSEAS MISSIONS

(No. B/331) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Arts and Culture whether, in regard to the Mauritius Film Development Corporation, he will, for the benefit of the House, obtain therefrom, information as to the number of –

- (a) overseas missions effected since July 2015 to date for the promotion of Mauritius as a film production destination, indicating in each case the -
 - (i) countries visited;
 - (ii) composition of the delegation, and
 - (iii) expenditure incurred in relation thereto, and
- (b) projects approved under the Film Rebate Scheme.

Mr Roopun: Mr Deputy Speaker, Sir, let me at the very outset highlight that the Mauritius Film Development Corporation (MFDC) was set up in 1986 and the objects are, *inter alia*, to –

- (a) import, export, exhibit and produce films;
- (b) establish relationship with foreign and international persons or bodies for the promotion of film activities;
- (c) promote the holding of film festivals, and
- (d) give assistance, financial or otherwise, to persons or bodies engaged in the production or exhibition of films.

The Film Rebate Scheme, which is managed by the Economic Development Board (former Board of Investment), was introduced in 2013, allowing a rebate of up to 30% on all the Qualifying Production Expenditures incurred in Mauritius by both local and international film producers.

In 2015, the scope of the scheme was further extended to include TV serials, music and videos and film dubbing. Its ceiling was also increased from 30% to up to 40% to attract big budget film productions.

Following the revamping of the Film Rebate Scheme in 2015, various marketing missions have been organised both by the former BOI and the MFDC and this sector has emerged into a rapidly booming one, where foreign investors are fuelling serious interest to come and shoot in Mauritius.

Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am, with your permission, tabling the details of the overseas missions as communicated by the MFDC for the period 2013 to date.

With regard to part (b) of the question, I am informed by the Economic Development Board that 113 projects have been approved under the Film Rebate Scheme to date. 62 projects have so far been completed, representing a total production expenditure of MUR1.69 billion.

Mr Deputy Speaker, Sir, in 2017, Mauritius had the privilege to facilitate the shooting of its first Hollywood production “Serenity”, which in itself generated a Total Production Expenditure of MUR630 m.

Members of the House may wish to know that in the coming months, Mauritius will be the shooting destination of India’s historic epic – “Ramayana”.

R&R Film Ltd. will be shooting this entire film in Mauritius and the production expenditure in Mauritius is expected to be around MUR952 m. This film will also enlist the participation of local crew and technicians. The EDB and MFDC are actively working on the implementation of this major project.

Mr Deputy Speaker, Sir, let me also add that in December 2017, Mauritius, through the MFDC, won the “India’s Choice Award for the Best Shooting Destination of the Year”, at the Indywood Film Carnival, which was held at Ramoji Film City in India, the world’s largest integrated film studio.

Mr Bhagwan: Mr Deputy Speaker, Sir, can I know from the hon. Minister, from his records, the total number of overseas missions effected by Mr Dick Ng Sui Wa when he was Chairperson of the Mauritius Film Development Corporation and the total amount spent for the missions he had effected?

Mr Roopun: I have got the global figures per mission, Mr Deputy Speaker, Sir, but I can confirm that on six occasions, Mr Dick Ng Sui Wa was part of it and I am going to table the copy and I am sure that the hon. Member can have a look at it.

Mr Bhagwan: Can I ask the hon. Minister whether he can check and verify as to whether Mr Dick Ng Sui Wa has effected more than 10 missions, some financed by the MFDC and others financed by the organisers of tours and those who were coming to invest in films here?

Mr Roopun: I will reply strictly on the question which has been asked.

The Deputy Speaker: Next question, hon. Ramful!

SECONDARY SCHOOLS - SCHOOL NET II PROJECT

(No. B/332) 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.

Mr Sawmynaden: Mr Deputy Speaker, Sir, the School Net II Project aims at providing high speed internet access and wireless connectivity in the 164 sites, including secondary schools of Mauritius and Rodrigues. The project consists of supply of hardware such as servers, routers, switches, data cabinets and provision of connectivity. This project is being implemented in 3 phases and payments are being effected in accordance with the payment terms in the contract.

The project started in 2015 and was expected to be completed within one year. However, delays were encountered during the implementation of the project because of the readiness of the sites, namely earthing to be done and provision of UPS to be effected by the client and also unforeseen variations as well as the delay by the supplier to have his spectrum licence.

Following meetings held with stakeholders concerned, the expected completion date of the project was rescheduled for November 2017 for all 3 phases since the 3 phases have been merged. Payment effected so far under the project includes an amount of Rs45.4 m. This amount has been paid in respect of the supply and commissioning of hardware, which has been successfully commissioned by the Central Information Systems Division (CISD) of my Ministry.

The House may wish to note that the advice of the Solicitor General has been sought and obtained as to whether it would legally be in order for the payment of Rs45.4 m., representing the cost of hardware.

I am informed that the provision for internet connectivity is still ongoing and the exercise is expected to be completed by end of May 2018.

Mr Ramful: Now, can I ask the hon. Minister whether he is aware of the remarks made by the Director of Audit to the effect that this practice of paying the Rs45.4 m. is contrary to the Financial Management Manual?

Mr Sawmynaden: Actually, as I mentioned in my reply, meetings were held with the stakeholders and the advice of the Solicitor General was sought because we reached at a dead end and the whole project would have been blocked. This is why we had meetings because he had to pay for spectrum licence. This is why we sought the advice of the Solicitor General.

Mr Ramful: May I know from the hon. Minister whether during the meetings that were held with the Solicitor General or in the request for advice that was made to the Solicitor General, whether the Solicitor General was informed that telecommunication tests failed at 100 sites out of the 162 sites, that is, 62% of the sites were not commissioned well outside the time frames?

Mr Sawmynaden: Actually, the meetings were held by the staff of my Ministry and since commissioning has started on the hardware only, and no connectivity was done at that time and it is now that the connectivity is done, I can tell you that 59 sites are working, 69 are in progress and the balance will be completed by the end of May.

Mr Ramful: The question is: before approval was given to pay the contractor before the commissioning date, whether a review was asked, whether the Solicitor General's Office was informed that commissioning was not done during the time frame. If so, can the hon. Minister table the request for advice as well as the advice from the SLO?

Mr Sawmynaden: I have just mentioned. You have commissioning for the hardware. You have commissioning for the connectivity. It depends on which one you are asking because the hardware was completed and the commissioning was done and it was satisfactory.

The Deputy Speaker: Hon. Mahomed!

Mr Osman Mahomed: Can the hon. Minister enlighten the House further whether this is an exceptional case that because the supplier was not able to pay for his spectrum licence, a special arrangement was made for him to be paid Rs45.4 m. notwithstanding the fact that the project has failed, commissioning test, is this what you are telling us, hon. Minister?

Mr Sawmynaden: The hon. Member misunderstood the whole thing; He is just trying to...

(Interruptions)

I have just explained.

(Interruptions)

Listen! The hardware has been completed and the commissioning is done. It was satisfied. The connectivity was not done. So, actually he had to pay for spectrum licence so that he could connect and then the commissioning on the connectivity would have been done. But then, there is still a balance payment to be paid on the connectivity. It was done in three phases, but the whole three were merged altogether to become one project.

The Deputy Speaker: Next question, hon. Ramful!

PUBLIC SERVICE VEHICLE LICENCES – GRANT - ELIGIBILITY CRITERIA

(No. B/333) Mr D. Ramful (Third Member for Mahebourg & 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.

Mr Bodha: Mr Deputy Speaker, Sir, by virtue of section 73 of the Road Traffic Act, the National Transport Authority (NTA) is vested with such powers as to issue Public Service Vehicle Licences (PSVL) comprising, *inter alia*, licences for taxis, contract cars and contract buses. I am informed by the Authority that, in March 2013, the procedures in place for the examination of applications for taxi licences constituted simply of a list of criteria upon which the applicants were being assessed during hearings.

This system was, however, criticised by the Equal Opportunities Commission (EOC) in regard to the way assessment of applications was being conducted by the Authority for the grant of taxi licences. Consequently, following extensive consultations between the NTA and the Equal Opportunities Commission, together with the Attorney General's Office, a new system comprising a mark sheet for the evaluation of applications for taxi licences on pre-established criteria was proposed in line with the recommendation of the EOC. This initiative was commended by the EOC in October 2014 as being instrumental to the promotion of equal opportunities and transparency.

I have to point out that the mark sheet was only devised by the Authority in consultation with my Ministry in March 2017 in the context of the streamlining of all procedures relating to Public Service Vehicle Licences. The new mechanism is effective as from August 2017.

Section 99 of the Road Traffic Act also makes provision for any person who is aggrieved by the decision of the Authority to appeal to the Minister against payment of the prescribed fee. If the applicant is still dissatisfied with the decision of the Minister, he can apply to the Supreme Court for a Judicial Review to quash or amend the decision of the Appellate Body.

In fact, when I took office in late 2014, I came across some 400 files relating to pending appeal cases from applicants for Public Service Vehicle Licences who were aggrieved by the decision of the Authority but which were locked in a cabinet. Procedures required me, in my capacity as Appellate Body, to attend to all those applications and as the applicants had effected payment of the prescribed fee I set up a mechanism to consider these 400 cases.

Therefore, no application for taxi license was invited in 2015. Applications received in the second half of 2016 were heard by the Authority only as from August 2017 being given that the Inspectorate Section of the Authority is required to conduct extensive surveys and inquiries on each application beforehand.

Mr Deputy Speaker Sir, since July 2017, a team of officials at the level of the NTA is also conducting a first scrutiny of all applications for these licences, including taxi licences, and the application fee of Rs300 is accepted only where the application forms are complete and the applicant is eligible for a hearing.

I wish to highlight that, prior to the coming into effect of this procedure, the Authority was accepting the application fee of Rs300 from all applicants irrespective of whether they were satisfying the minimum criteria or not. This system also implied that the Authority had the obligation to give a hearing to all the applicants. With the streamlining of procedures, the Authority now hears only potential candidates.

I wish to reassure the House, Mr Deputy Speaker, Sir, that the mark sheet, based on pre-defined eligibility criteria, together with the screening exercise of all applications, today ensures objectivity and transparency.

Mr Ramful: Can I also get the assurance of the hon. Minister that, with regard to the granting of taxi licences to operate from the airport - recently there has been another advertisement - the process will be transparent? Because some MSM agents from my Constituency...

(Interruptions)

...are already ragging that they have through their political contacts been promised a taxi licence. So, can I have the assurance of the hon. Minister that the procedure will be followed?

(Interruptions)

Mr Bodha: As I mentioned last time we have extended the catchment area and the whole process, as I have explained, is very complicated and we are going to do all the surveys and all the enquiries, and the interviews before the licences are granted according to the mark sheet.

(Interruptions)

The Deputy Speaker: Next question hon. Ramful!

MAURITIUS SHIPPING CORPORATION - VESSEL MV ANNA - CHARTERING

(No. B/334) Mr D. Ramful (Member for Mahebourg & 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.

Mr Koonjoo: Mr Deputy Speaker, Sir, I am informed by the Mauritius Shipping Corporation Ltd. that an amount of Rs223,951,246 has been spent for the charge of MV ANNA from 03 May 2015 to 24 April 2018.

Regarding part (b) of the question, I am further informed that, in view of the unavailability of the suitable second hand cargo vessel on the international market, the Board of MSCL decided to procure a new vessel in April 2016 based on the expert advice of MSCL's international ship broker and consultant. Howe Robinson Partners is the consultant name. I understand that the financing option for the procurement of the new vessel is currently under consultation.

Mr Ramful: May I ask the hon. Minister whether he has taken cognizance of the remarks made in the Audit Report with regard to the delay in acquiring new vessels and what does he propose to do?

Mr Koonjoo: The delay has been caused because of the complexity of the harbour in Rodrigues and also there is no harbour in Agaléga as such. We all know how tedious and difficult it is for the boats which carry goods to Agaléga.

(Interruptions)

I am coming to that! This problem is difficult because, at that time, there was a need to buy a second hand vessel which would suit both Rodrigues and Agaléga. I must tell you the whole thing, Mr Deputy Speaker, Sir. In February 2013, the consortium, Strategic Networking Partners & Consulting Ltd. and the Maritime Group (International) Limited London, was appointed and they submitted a report on 26 October 2013 for the replacement of the Mauritius Pride. By the end of May 2014, decisions were already taken to sell the Mauritius Pride because it had already reached the end of its economic useful life and was becoming costly to operate and maintain in compliance with SOLAS international and also with the IMO regulations. A policy decision was taken at that time by the Government in May 2014 to purchase a second hand multipurpose container vessel as a replacement for the Mauritius Pride and procedures were initiated to that effect. On 04 July 2014, a consultant Roland Capital Limited was appointed by MSCL to advise and assist MSCL during the whole process of the purchase of a second hand container or multipurpose vessel.

According to the consultant and the appointed ship broker, at that time, an appropriate second-hand vessel with the specification required by the MSCL was very rare on the market and there is a scarcity of vessel as per the requirement of the MSCL satisfying the specific technical and navigational constraint for the safe berthing of Rodrigues and Agaléga.

Bidding exercises were carried out for the...

(Interruptions)

Yes, the hon. Member wants to listen?

(Interruptions)

Bidding exercises were carried out for the procurement of the second-hand cargo vessel in 2014 and 2015. However, during the physical inspection processes these vessels were found to be in poor conditions, which would eventually lead to high maintenance cost, and

ultimately the unavailability of a second-hand vessel on the international market complying with the Merchant Shipping Act which is the main cause.

The Deputy Speaker: Hon. Leopold!

Mr Leopold: Thank you, Mr Deputy Speaker, Sir. Can the hon. Minister inform the House while he will purchase a new vessel, will it be just a cargo vessel, just a passenger vessel or a mixed one?

Mr Koonjoo: It should be a mixed one, as my hon. friend should know. But, the problem is that we have to satisfy the conditions both in Rodrigues and also in Agaléga. Agaléga is more important because there, people who have gone to Agaléga know how difficult it is for any boat to disembark the goods that they have brought there. It is all....

(Interruptions)

We don't have any quay there. It is a very risky job and all is done by *traîneau*, and people's life is at risk. Thank God the Indian Government is there, and is helping us to have a new jetty and also a new *piste* for the airplane, otherwise it would have been very difficult.

The Deputy Speaker: Hon. Mahomed.

Mr Osman Mahomed: Can the hon. Minister enlighten us further; the Indian Government is going to construct a jetty there in the foreseeable future, why is the Government buying a vessel that is going to be like a barge when very soon we are going to have a jetty? Is this a calculated move, hon. Minister, because if you are buying a vessel that will become a shore without a jetty and soon we are going to have a jetty, so I think somewhere there is ...

Mr Koonjoo: Mr Deputy Speaker, Sir, I just said that it is quite difficult for the MSCL to find a suitable vessel which will comply with the demand for Rodrigues and also specially for Agalega.

(Interruptions)

I never said barge! I never said barge!

The Deputy Speaker: Next question, hon. Ramful!

LARGE SCALE FISH FARMING PROJECTS & BARACHOIS – ALLOCATION

(No. B/335) 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.

Mr Koonjoo: Mr Deputy Speaker, Sir, in line with the Government policy to develop the ocean economy, my Ministry is promoting the development of aquaculture to increase the production and create employment. In this context, 20 sites have been prescribed for the development of the large scale aquaculture activities in accordance with the Fisheries and Marine Resources Regulations 2015.

Mr Deputy Speaker, Sir, I wish to inform the House that in accordance with section 8 (b) of the Fisheries and Marine Resources Act, applications for authorisations for large scale fish farming projects are made to the Economic Development Board which is responsible for the promotion of activities with a view to attracting potential promoters.

All applications are assessed by a technical committee set up at the Economic Development Board, formally to the Board of Investment, and comprising key stakeholders. The recommendations of the technical committee are forwarded to the Permanent Secretary of my Ministry, who in turn issue the letter of authorisation to the Economic Development Board, which subsequently informs the promoter accordingly. 18 sites were allocated for large scale aquaculture projects in line with the above-mentioned process.

However, three sites are in the process of being retrieved as one promoter has informed that he is not proposing to go ahead with his project and two other promoters have not made any progress in the implementation of their project.

Mr Deputy Speaker, Sir, with regard to the second part of the question, I wish to inform the House that in line with the Government vision to promote fisheries and aquaculture, the Ministry of Housing and Lands has vested six Barachois in my Ministry as from 2014 onwards. The processes of allocation of these Barachois started in 2014 and they were allocated to promoters on a pilot basis. Letters of authorisation with conditions have been issued to the promoters. The latter are authorised to use the Barachois with the technical support of my Ministry for aquaculture projects for a specific period of time. The letter of authorisation specifies the Barachois remains the property of my Ministry.

The Deputy Speaker: Hon. Ramful!

Mr Ramful: Can the hon. Minister, therefore, confirm that both in the case of large scale fish farming and in the case of Barachois, in both cases neither has there been an expression of interest nor has there been an MoU signed with the promoter in the case of Barachois?

Mr Koonjoo: Mr Deputy Speaker, Sir, I just explained that there was no MoU and no express of interest. It was the...

(Interruptions)

Yes?

(Interruptions)

It was the intention of the Government to give specially to the co-operative people, the fishermen, free of charge and there is nothing to pay, there is no lease for these Barachois or otherwise. Everything was free and it was given for the people to come out of poverty, to increase....

(Interruptions)

Yes?

(Interruptions)

Kisanla pan comprend?

The Deputy Speaker: Hon. Minister!

(Interruptions)

Mr Koonjoo: I am listening to the hon. Member.

The Deputy Speaker: Please address the Chair!

Mr Koonjoo: This was the ultimate aim of the Government, to create employment, to create jobs and also to give people the means to live a better life.

The Deputy Speaker: Question Time is over! The Table has been advised that PQ B/343 has been withdrawn.

MOTION

SUSPENSION OF S. O. 10(2)

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

(3.45 p.m.)

STATEMENT BY MINISTER

ELECTRICITY TARIFF

The Deputy Prime Minister: Mr Deputy Speaker, Sir, with your permission, I would like to make the following statement.

At the sitting of 24 April 2018, following the reply of the hon. Minister of Agro-Industry and Food Security to Parliamentary Question No. B/255, the hon. Third Member for Stanley and Rose Hill asked the Minister whether he could, and I quote –

“(...) confirm if consideration is being given to increasing electricity tariffs to pay for subsidies to sugarcane planters in general”

He further asked whether the hon. Minister was, I quote –

“(...) not aware that there are two committees in fact considering this issue.”

I have discussed the matter with my colleague, the hon. Minister of Agro-Industry and Food Security, and in order to dispel any confusion which these questions may have created, I am to confirm that there is no committee which has been set up to consider an increase of electricity tariffs for whatever purpose.

The Deputy Speaker: Hon. Members, Madam Speaker will now resume the Chair.

At this stage, Madam Speaker took the Chair.

(3.48 p.m.)

Second Reading

THE REFORM INSTITUTIONS (AMENDMENT) BILL

(No. III of 2018)

Order for Second Reading read.

The Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues (Sir Anerood Jugnauth): Madam Speaker, with your permission, I move that the Reform Institutions (Amendment) Bill (No. III of 2018) be read a second time.

The main objects of this Bill are firstly to do away with the system of automatic remission, whereby convicted persons were eligible to be discharged after having served two thirds of the period of sentence, and to replace it with a new system of earned remission with a view to encouraging convicted persons to earn maximum remission not exceeding one third of the period of sentence where, during their term of imprisonment, they are of good conduct by not committing any prison default.

Secondly, the Bill toughens the law against officers of the Mauritius Prisons Service, detainees and persons working in reform institutions who are convicted under the Reform Institutions Act.

The Bill also provides for consecutive sentencing so that where, during his term of imprisonment, a detainee commits an offence under the Reform Institutions Act, that detainee shall, on conviction for that offence, be ordered to serve immediately after the expiry of the sentence for which he was detained, any sentence imposed upon him by the Court.

The ultimate objectives of the Bill are, therefore, to reinforce our existing Prison Law and foster the rehabilitation of the detainees by encouraging them to participate in rehabilitation programmes, which would now be mandatory. The proposed amendments will address the issue of recidivism in prisons, thereby leading to a reduction in the costs of operations for the prisons.

Madam Speaker, Government Programme 2015-2019 provides for reform to be brought to the Prisons Department to ensure that it is properly manned and equipped, and its officers adequately trained to guarantee a targeted and effective rehabilitation of offenders and their successful re-integration into the community.

It equally provides for the introduction of a new legal framework for adult detainees aiming, amongst others, reviewing sentencing practices by providing more options for alternatives to imprisonment.

This Bill delivers on the Government's commitment to provide an improved and robust foundation for the administration of sentences and the management of offenders. That means getting prisoners into work and improving their conduct and behaviour while they are in prison.

It is expected that with this piece of legislation, more detainees will leave prison reformed.

Madam Speaker, let me highlight some of the amendments that are being proposed to the Reform Institutions Act.

Clause 3 of the Bill proposes to amend section 2 of the Act to enlarge the definition of “institution” so as to include any place where detainees are in the custody of prison officers. This proposal aims to cover, for example, detainees admitted in public hospitals under the charge of a prison officer or detainees working in public places such as public beaches or detainees being escorted to view dead body of close relatives.

The definition of “prohibited article” is being deleted and replaced by a new definition so that prohibited articles will be, henceforth, prescribed by way of regulations. The list of such articles will be prescribed on the coming into operation of this piece of legislation.

New definitions, such as “ammunition”, “dangerous drug”, “explosive”, “firearm”, “good conduct”, “lawful authority”, “message”, “sound recording”, “telecommunication” and “telecommunication equipment” will also be added in section 2 of the Act.

Clause 4 of the Bill amends section 37 of the Act by providing that where a detainee commits a prison default, that detainee shall, depending on the gravity of the prison default, mandatorily be punished by a loss of remission of 15 days’ or 45 days’ as the case may be.

Madam Speaker, remission must not be considered as a right. It must be earned by good conduct and used as an incentive to detainees to cooperate with prison authorities and to follow rehabilitation programmes.

At present, section 50 of the Act provides that a person sentenced to imprisonment for a period exceeding 31 days, is eligible for discharge after having served two thirds of the period of sentence and this is automatic. As such, a person sentenced to imprisonment automatically has one third remission on his sentence.

As at 06 April 2018, out of a total of 1,287 convicted detainees, 919 were eligible to one third remission.

To do away with this automatic remission, Clause 5 of the Bill will repeal section 50 of the Act and will replace it by a new section entitled “Earned remission”, whereby a convicted person who is sentenced to serve a term of imprisonment exceeding 30 days will now have to earn remission, through good conduct, during his term of imprisonment.

However, this new system of earned remission will not be applicable to those convicted for drug dealing or trafficking, sexual offences on minors and handicapped persons.

The existing automatic one third remission system allows a prisoner to have his sentence automatically deducted on admission which is not an effective tool to manage the behaviour of prisoners.

This new system of earned remission will encourage self-improvement and positive behaviour in prisoners. It is expected to bring a positive outlook to prisoners before and after their release, allowing them to better adapt and equip for life outside prison, giving them a sense of responsibility and direction in life, thus converting them from passive recipients of punishment to active participants in their own lives.

However, persons who have, before the Amendment Act comes into operation, already been sentenced to serve a term of imprisonment for a period exceeding 31 days will continue to be eligible for discharge after having served two-thirds of the period of sentence. This new system of earned remission will not apply to them.

With the new system, a convicted person who is sentenced to serve a term of imprisonment for an offence other than under the Dangerous Drugs Act or Sexual Offence on a child or handicapped person, will earn remission during the initial period he is serving sentence. For example, a person who is convicted to serve a term of imprisonment for 300 days, will earn a maximum of 100 days remission provided he is of good behaviour.

As such, he will earn remission only during the initial period of 200 days served. During those 200 days, he will earn 15 days' remission for every period of 30 days imprisonment served subject to his good behaviour. For every incomplete period of 30 days of imprisonment served, remission will be calculated on a pro rata basis in the manner provided in the Schedule.

Proposal is also made for loss of remission in cases of minor and aggravated prison defaults committed by convicted and unconvicted persons during their detention. Where an unconvicted person commits a prison default, during the period he is detained for two or more offences, the forfeiture shall apply for only the first sentence he is ordered to serve amongst the two or more offences.

The main challenge for the Prisons Service currently is the high rate of recidivism and rising cost of imprisonment (Rs775 daily per head). Conditional Remission System has been

implemented in other jurisdictions such as Canada, Hong Kong and Singapore, and these countries have experienced sharp drop in the rate of recidivism.

We are expecting that this amendment will have a similar impact on the rate of recidivism and cost of imprisonment in Mauritius.

Clause 6 provides for two new clauses to be added, namely clauses 50A and 50B.

Under clause 50A - additional remission and restoration of loss remission, the Commissioner may, where he so determines -

- “(a) grant additional remission to any prisoner who has worked extra hours or on a Sunday or other public holiday;
- (b) restore remission lost under section 37, in respect of minor prison defaults, to an extent not exceeding one-third of the lost remission.”

New clause 50B will provide for the actual term of imprisonment to be served by a person to be calculated by deducting the total remission to be earned, he was granted and restored, if any.

Clause 7 will amend section 51 A by deleting the words “50 and 51” and replacing them by the words “50, 50A, 50B and 51”. This will provide that earned remission, additional remission and release on parole shall not apply to those convicted for drug dealing or trafficking, sexual offences on minors and handicapped persons.

Madam Speaker, the problem of prohibited articles in prisons is a worldwide phenomenon and Mauritius is no exception to this security challenge.

For the period January to December 2017, 989 prohibited items had been secured in the prisons, out of which 767 were mobile phones and related items, including SIM cards, battery chargers and batteries. Since January to March 2018, 183 prohibited items have been seized and 139 are related to mobile phones and their related items.

This issue of prohibited articles was also raised in the Report of the Director of Audit for financial year July 2016 to June 2017, during which 151 mobile phones at the different units of the Eastern High Security Prison (Melrose Prison) and 36 parcels thrown over the walls from 01 July 2016 to 30 June 2017 were found. The Director of Audit had recommended that there was an urgent need to find solutions to counter such malpractices.

Presently, seizures of prohibited articles, including mobile phones upon a detainee, are dealt with internally under the relevant provisions of the Reform Institutions Act and prison regulations, which, according to the Prison Authority, is not giving the desired result in terms of discipline and security.

Whilst section 9 of the Reform Institutions Act makes it a criminal offence to convey a prohibited article and other items into and out of prisons by persons, it does not make it an offence to possess or make use of a prohibited article. Thus making it impossible to prosecute persons found in possession of such illicit items.

The Prisons Department has already taken a number of initiatives to improve physical security like training of Correctional Emergency Response Team Officers, provision of modern equipment to detect prohibited articles such as acquisition of two low-radiation X-ray body scanners and the use of sniffer dogs.

In order to toughen the law, it is being proposed that such prohibited articles be criminalized so that a detainee, or any other person without lawful authority, found in possession of a mobile phone or any other articles prescribed as prohibited articles, will be criminally liable and prosecuted accordingly. It is expected that this piece of legislation will deter the entrance of such items.

Clause 8 of the Bill will amend section 61 of the Act to address this particular issue. The Bill now provides that it will be an offence to possess, bring, cause another person to bring; to give or supply or convey; cause another person to give, supply or convey; place or leave; or cause another person to leave, place or hide; throw into or out of; or cause another person to throw prohibited articles such as mobiles and dangerous drugs in an institution or in a place where a detainee is working, without lawful authority.

Madam Speaker, mobile phones in prison institutions have not to be taken lightly. In fact, mobile phones are the most smuggled prohibited articles in prisons and it is believed that they are the source of many problems. In fact, contraband mobile phones in prisons allow inmates to facilitate the flow of drugs and other prohibited items into prisons and also enable inmates to continue a life of crime from behind bars. Using phones, inmates around the world have arranged murder, planned escapes, imported firearms and arranged drug imports.

In the light of this worrying ascertainment and leveraging on the Singapore experience which I have assessed carefully during my recent visit to the Island-City, I am proposing to bring at Committee Stage amendments to the Bill so as to ban the use of any

telecommunication equipment in prison institutions. Only the Commissioner of Prisons and his Deputy will be allowed with a telecommunication equipment in a prison institution, and if any other person is found to be in possession of any telecommunication equipment in a prison institution or brings any telecommunication equipment in a prison institution, that person shall, on conviction, be liable to a fine of not less than Rs50,000 and not exceeding Rs100,000 together with a term of imprisonment not exceeding 5 years.

Moreover, to discourage mobile phones from being smuggled into prison institutions, a new offence is being created so that any person who, by whatever means, gives, supplies or causes to be supplied, any telecommunication equipment to a detainee, that person shall commit an offence and shall, on conviction, be liable to a fine of not less than Rs50,000 and not exceeding Rs100,000 together with a term of imprisonment not exceeding 5 years.

Madam Speaker, it is also unfortunate and very sad to note that lately, some Prison Officers have been involved in drug related cases. Regrettably, the acts committed by these Officers have tarnished the reputation of the Prisons Service and undermined the good work carried out by other Officers. I have, on several occasions, stated and I wish to reiterate that no black sheep will be tolerated.

Clause 8(6) of the Bill also provides for the introduction of a new fine of not less than Rs100,000 and not exceeding Rs500,000 together with a term of imprisonment not exceeding 15 years for offences related to dangerous drugs, explosives, firearms or ammunition. The penalty will be twice in case of drug-related offences committed in prison institutions.

In addition, it is also being provided that where no specific penalty is provided for an offence under the Act, the sentence is being increased from a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years to a fine of not less than Rs25,000 rupees and not exceeding Rs100,000 and to imprisonment for a term not exceeding 5 years. This will, thus, toughen the law against officers of the Mauritius Prisons Service, detainees or persons working in reform institutions who are convicted under the Act.

As a consequence of same, clause 13(1) of the Bill provides for an amendment to section 41 of the Dangerous Drugs Act whereby a drug-related offence which is committed in an institution, for example, a prison, or a place where a detainee is working will be deemed to be an aggravating circumstance, such that if found guilty of that offence, the penalty provided will be twice that which is provided. Clause 9 will amend section 62 of the Act by repealing subsection (4), which is restricted to escape from lawful custody only.

Clause 10 provides for a new clause 63A to be added to cater for detainees committing an offence under the Act to serve, immediately after the expiry of any other sentence for which they were detained, any sentence imposed upon them by the Court.

Presently, a detainee who is being prosecuted before the Court for offences other than the one he is presently serving (except for escape from prison), is ordered to serve the additional sentence imposed upon him by the Court concurrently. By providing for the new sentence to run consecutively, and not concurrently, to the previous sentence, the proposed amendment is expected to deter detainees from committing offences repeatedly while serving their current sentences. It is also expected that this amendment will help to address the issue of recidivism.

Clause 11 of the Bill will amend section 65 of the Act by adding a new subsection regarding the non-applicability of a conviction under this Act of sections 150 to 153 of the Criminal Procedure Act. Clause 12 of the Bill provides for a new Schedule to the Act relating to the calculation of remission on incomplete period of imprisonment served. Clause 13(2) of the Bill amends regulation 33 of the Prisons Regulations 1989 so as to provide that a detainee who refuses to participate in any rehabilitation programme shall commit a prison default. Regulation 34 of the said regulations is also being amended to provide that it shall be an aggravated prison default if a detainee is found in possession of a telecommunication equipment, thereby leading to a loss of 45 days' remission.

Madam Speaker, I am also convinced that the amendments being proposed will act as a strong deterrent against the entry of prohibited articles in our prison, sever the umbilical cord which telecommunication devices represent in organising crimes from prisons and will provide an incentive to detainees to demonstrate good conduct, participation in rehabilitative programmes and subsequently reduce the likelihood of recidivism, leading to a better and safer society.

These amendments will further contribute to the efficient management of the prisons and pave the way to a new reform paradigm in the Prisons Department.

With these words, Madam Speaker, I commend the Reform Institutions (Amendment) Bill to the House.

Thank you.

The Deputy Prime Minister rose and seconded.

Madam Speaker: Hon. Baloomoody!

(4.13 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. Madam Speaker, I have listened carefully to the Rt. hon. Mentor Minister. When we look at the Explanatory Memorandum of the Bill, it stated that we are doing away with the automatic remission and replacing it with a new system of earned remission, toughen the law against officers of the Mauritius Prisons Service and deals with the subsequent imprisonment for a detainee.

Madam Speaker, with the principle of these three issues in the Explanatory Memorandum, we do not have any quarrel. I said the ‘principle’. We will come to its application later. But one important decision that we are going to take today, which is not in the Explanatory Memorandum, is to give the Commissioner of Prisons the right to judge, the right to pass sentence, the right to remove remission and the right to increase remission, and this, we do not agree at all. The Commissioner of Prisons cannot be judge and party. He is there to administer the prisons.

(Interruptions)

I have been very quiet and listening to the Rt. hon. Minister Mentor. I hope that I will have the opportunity to address issues which I have to because we are dealing with an important Government institution. The Rt. hon. Minister Mentor told us that we are going to reinforce our institutions by passing this Bill into law. I will come later to talk about the institution we have today; the prison regime we have today, and how it is dealing in breach of the existing law. I will come to that later, but, for the time being, let me speak about imprisonment.

Madam Speaker, debates over how to treat prisoners have been done ever since prisons exist. Every time we have debates as to what a prison should be. But the question is: should the prisons leave inmates to fester in cold cells, with punishment deterrence as the goal of incarceration or should the prison regime let the inmates wander from classrooms to game rooms preaching rehabilitation into society as its main aim? So, there are two objectives; there are two visions as to what types of prisons you want. According to the United Nations Standard Minimum Rule, Rule 58, I quote –

“The purpose and justification of a sentence of imprisonment (...) is ultimately to protect society against crime – this we agree. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to

society the offender is not only willing but able to lead a law-abiding and self-supporting life.”

This is what the UN told us what a prison should be. And according to the United Nations Office on Drugs and Crimes 2006, I quote –

“Social reintegration in the prison setting refers to assisting with the moral, vocational and educational development of the imprisoned individual via working practices, educational, cultural, and recreational activities available in prison. It includes addressing the special needs of offenders, with programmes covering a range of problems, such as substance addiction, mental or psychological conditions, anger and aggression, among others, which may have led to offending behaviour.”

These are the international rules with regard to prisons and their standards. And it is good to note, Madam Speaker, that Mauritius is signatory to the UN guidelines, and yet there has been no serious study undertaken as at to date. No serious study to find out the reasons as to why imprisoned persons once released do offend again. We are taking actions, we pass laws, but we have not made a deep study as to why. The statistics talk about themselves. I will come to the statistics. If you look at the figures, Madam Speaker, in the Mauritius Digest of Crime, Justice and Security for the year 2016, the latest one, published last September in 2017 stated that – this is revealing – ‘the adult convicts, who were readmitted to prison increased by 26%. It was 1,952 in 2015 to 2,452 in 2016. And over 100 convicts admitted to prisons in 2016, 67 were re-offenders, who had been in prisons in the past and 51 were in prison more than once in the past.’ And according to these statistics when you look at the trend, over 80% of our prison population today comprise of re-offended offenders. Nearly 80%! So, it is clear, Madam Speaker, that when it comes to rehabilitation and lowering the number of criminals in society, the prison system regime has been a total failure. The figures speak for themselves. As things are, Madam Speaker, we are pushing detainees who are all human beings after all with their social identities in a ghetto.

Now, let me come to our institutions and compare it to what the law says the institution should be. In 1998, we voted the Reform Institutions Act. In 1998! Let me just take a few sections and we will see what is happening by comparing them with what the law says and what the prison regime is today. Let me start with the section 44.

Section 44 of the Bill deals with complaints by detainees. We knew as a fact today that detainees’ letters of complaints are not reaching the Human Rights Commission.

Complaints by detainees - they are writing letters. Their letters are sealed, but they do not reach their destination, and I will come to say why it happens like that. This has happened since the Human Rights Commission has made his report in the Ramlagan case; the detainee who died in Moka Detention Centre. As from then communication between prisons, detainees and Human Rights Commission has been stopped.

Section 44, with regard to religious bodies, the old prisoners should be entitled to practise their own religious instruction and moral advice. They should be allowed to perform such religious rites as may be necessary. According to my information, in the prisons, today, although they are being allowed to practise their rites, but whatever facilities they had in the past, have been reduced drastically, be it for the recent Maha Shivratri and Cavadee festivals, the facilities given to them have been reduced drastically. The more so that the Muslim Citizen Council had, on 31 May 2017, written a letter of complaint saying that people of Muslim religion were not given the facilities during the Ramadan period. I have a letter here addressed to the hon. Prime Minister Pravind Jugnauth dated 31 May. Ramadan is coming soon and I hope that action will be taken to ensure that people who want to practise the fast, will be given all the facilities that they deserve.

Now, let us come to an important Board, and this Board will become more important when it comes to earned remission, the Parole Board. When we introduced the Bill in 1998, this was what was said by the then Minister with regard to the Parole Board –

“The Parole System will enable offenders to be released on parole earlier than is now possible. At prisons, offenders are released on a licence to be at large only after undergoing two-thirds of their sentence. With the parole system, they will qualify for release on parole licence after undergoing one-half of their sentence or 16 months whichever is the later depending on the length of their sentence. It is hope that this system will motivate offenders to have and conduct themselves in such a way as to satisfy the criteria laid down for their release. The onus therefore, for earlier freedom will lie squarely on the shoulders of the offender himself.”

This is how important the Parole Board is.

Now, can I ask the hon. Minister Mentor, do we have a Parole Board today?

Madam Speaker: Don't ask questions.

Mr Baloomoody: When was the last time the Parole Board was set? Who are the Members of the Parole Board? Who is taking action now to release prisoners earlier or give

them so credit? According to information, there has been no Parole Board for years. Members have not been appointed, and when we know that this Parole Board is of importance when it comes with dealing the amendments we are providing, or do we want to leave all the power to the Commissioner of Prison, deliberately doing away with the Parole Board.

When we look at the functions of the Parole Board in the other sections, you will see how important it is. The Parole Board is here to consider case by case. The detainees go there and plead their case, and they are parole by an independent Board, not by people who are working under the Commissioner of Prison but by an independent Board. The Parole Board considers remission, and then the Minister will take action with regard to the deliberation of the Parole Board. There should be 10 Members in the Parole Board, but there is no Parole Board in the prison today. So, this is how our prison is operating with no Parole Board.

What about the Board of Visitors? This the most important one. Under Section 53, the Board of Visitors should be composed of not less than three Magistrates, a law officer, 4 other Members, 3 of whom shall not hold public office. It should meet at least once every month, enquire into the condition of detention of the detainees. This is how important a Parole Board is, and had we had a Parole Board, I would not have had to raise the issue of the CYC last fortnight, how children are treated in deplorable, inhuman condition at the Youth Centre.

And this Parole Board, there shall be a Board minute book, and what is most important, they should look also at the medical conditions. Again we don't have the Board of Visitors in the prison, although the law says there should be one. No Board of Visitors in the prison when we know that the Board of Visitors is fundamental for good running of the prison, ensuring that the rights of prisoners are being respected and there shall be no abuse on the part of Prison Officers.

Now, coming to the other section which deals with people who are going to be released – ‘The officer in charge shall be responsible for the release of a detainee immediately on his becoming entitled to release.’ The detainee should be trained, should be counselled on how they are going to live in society. Unfortunately, until today, we do not have this body in the prison for counselling, for rehabilitation.

As per Section 60A , the Magistrate can visit the prison, and there is supposed to have a book there for them to make an entry. Can we know when was the last time a Magistrate visited the prison? At least for the last four-five years, there has been no visit of the prison by

the Magistrate. Although the National Preventive Mechanism Division is entitled to visit prisons, they are making it difficult for him, when he goes there, when that Commission goes there.

Recently we had that *sega* night, le 13 décembre 2017, where, according to statements given to the Human Rights Commission, four women were compelled to leave their cell, leaving their babies who were in their company alone in their cell. One of them did go voluntarily, she is a foreigner - I won't say for which country, but she is a foreigner. Statements were recorded from the three Mauritian women by the Human Rights Commission, the National Preventive Mechanism Division. Up to today, no summons has been issued for them to attend to give an explanation. No officer from the prison has given an explanation, and how do you want the Human Rights Commission to do an inquiry. We are talking about taking actions against officers, but high officials from the prison are refusing to obey summon from an institution like Human Rights Commission.

This is what is happening today. This is the prison regime we are having. People are compelled. Let alone I will come to how people will earn their remission. I will give example of discrimination, favouritism when it comes to providing work in the prison, providing overtime, providing Sunday work. They choose those who they want to choose. Not all the prisoners are given an equal chance. This is how it is in the prison today. What I am saying is the truth, it can be verified, I have spoken to prisoners. This Bill, which has been around for quite four weeks now, has given me the opportunity to speak to ex-convicts; to people who have been in prison to know what is the situation in the prison now.

Let us come to industrial relation. For the prison to give a good service, you must have a good industrial relation. The work place - people should be happy to go to work. You know since we passed the Industrial Relation Act, prison officers are allowed to form a union. Up to today, the prison officers have not think it fit to amend the Standing Orders to recognise the Union, and officially no trade union exists in the prison because the top Commissioner - I don't know what we have the Deputy Commissioner or Assistant Commissioner - has not think it fit to amend the Standing Orders, and what is worse, they are harassing the officer bearers.

Recently, three weeks or four weeks ago, there were supposed to have their annual election. In the past, they used to have their election in the premises, so there is a ballot box at Beau Bassin, a ballot box at Melrose, a ballot box at Grand Rivière. In all the seven or eight

prisons we have, there is a ballot box, so if you work at night, you come and drop your ballot; if you work at day, you drop you ballot, the election was done that way. This time for the first time, the Commissioner of Prison issued a letter saying that no election will take place on the site of the prison, and the election had to be postponed. They had to complain to the Electoral Commissioner, and it's only after complaints to the Electoral Commissioner, that two days after, they were allowed to hold the election under the supervision of Mr Rahman, the Electoral Commissioner. Even elections they were not allowed and when we know the law says that office bearers should be released for official union affairs, they are not released or if they are released it is very difficult for them to be released. So, morale is low in the prison and the regime has been introduced - even with regards to their food they have reduced - I don't have the details with me but I know that at least 40% of their food, what they used to have in the past, has been reduced. Be it the fruits...

(Interruptions)

Let me say it!

Madam Speaker: Hon. Baloomoody, please address the Chair!

Mr Baloomoody: I want to say what I heard on the radio recently from the actual Commissioner of Prisons but I prefer not to say it! I prefer not to say.

(Interruptions)

Dire!

Madam Speaker: Please!

Mr Baloomoody: He regrets...

Madam Speaker: Please!

Mr Baloomoody: He comes and tells the radio - in an interview the Commissioner said that he regrets that he can't give *dilo avek di pain prisoniers zordi!* It is on record. You just go on YouTube, go on Radio Plus programme. And now the Rt. hon. Minister Mentor is saying that *bisin done zot maïs!* So...

(Interruptions)

Sorry?

(Interruptions)

Madam Speaker: This is not what he said!

Mr Baloomoody: He did not say that, okay.

(Interruptions)

Ah longtemps ti pe gagne mais! Sorry, sorry! I am sorry!

(Interruptions)

Now, Standing Orders have not been amended to recognise the union, but recently Order 26 has been amended *en catimini*, without consultation with the union with regard to sick leave. Now, what is worse, and you, Madam Speaker, as the President of the Gender Caucus Committee, I don't know how you will feel with that, not only you have to bring your medical certificate from a doctor, you have to bring your prescription. Prescription! So whatever disease you are having today will become public in the prison. Your prescription! What medicines have been prescribed to you, you have to give and many women prisoners are very unhappy about that, that you have to bring your prescription for your sick leave to be approved.

Now, let me come to the question of earned remission. We agree, it might be, if it works well, in an institution which is run professionally, by professional persons who believe what a prison should be, not only to punish but to rehabilitate. So, how can one earn remission? One must be of good behavior. Who decides that you have been of good behavior? Prison Officers! You have to work to earn your remission. Are you aware, Madam Speaker, that today if every atelier is operational in the men section only 20% of the prisoners can work? So, 80% remains idle and, this 20% only who will earn their remission. And, how the 20% will be chosen? This is the question! Who chooses the 20% to work and who chooses the 80% who remains idle? Because remember now those 20% who are chosen for work will get remission, will earn their remission because they are working, good conduct. What about the 80%?

So, is there sufficient staff, space, work for the full prison today? If we want them to earn their remission and they are willing to work, let us say, 90% of the population there wants to work, those who are convicted for drugs will not bother to work because they won't get any remission whatsoever. Let us say 80% wants to work. Do we have work for 80% at the prison today? Do we have staff for 80% of the prison today? Even now, I am being informed now itself, when it comes to give work to those who want to work on Sundays and

public holidays they are selected people. Those who are in the good books only are selected to work on Sundays and public holidays.

And things are worse when it comes to female prisoners. Already there is discrimination in the prison with regard to female prisoners. I am being informed that no Methadone is given to female prisoners. The male prisoners get it but no Methadone is being administered to female prisoners. Female prisoners, their scope of work is much less, it is only cleaning, a bit of gardening, cleaning the office. So, how will they earn their remission? Perhaps, I don't know, other activities will be added, go and *danse sega, tousse sali*. You will earn your remission!

(Interruptions)

No, recently in December in that prison, forget about Ramgoolam, his days are gone!

(Interruptions)

Now, the new section 50A, everywhere we talk about the Board and when we talk about the Board we talk about the Visitors' Board comprising of independent people, Magistrates, Lawyers, civil societies. Why do we have to give this power to the Commissioner of Prisons? Let us read section 50A, it is very important to read it, we are introduced a new one, it was not in the old Act –

“The Commissioner may, where he so determines -”

Yes, if you know what is happening in the prison!

“(...) where he so determines -”

He does not have to give reasons. He does not have to write the reason in the visitors' book. He does not have to give any explanation –

“(...) where he so determines –

(a) grant additional remission to any prisoner who has worked extra hours or on a Sunday or other public holiday;”

So, who chooses those workers who are going to work extra hours? If not the Commissioner, one of his subordinates. So, the Prison Officers choose who they want to give work and then they use that preference they have given to that prisoner, the opportunity to be released earlier. Is that fair? And he is the one – when I say he, I don't mean the Commissioner himself, the Prison Officers, the Prison Officers prosecute and we know how it is. « *Nu ale*,

nu ale ene ti zafair sa nek plaide coupable twa, plaide coupable, fini. » He is assisted by another Prison Officer, another Prison Officer prosecutes and another Prison Officer found him guilty and he lost his remission!

Now, Police Officers will tell you: “You have been a good boy”. I don’t know what they have to do because don’t forget that in the past we have had prisoners who went to clean the garden of Prison Officers in their private house, their yard! So, now are we going to tell that prisoner: “I like you, okay you are in my good book, work this Sunday and I will give you 2 days remission”? And for the other one whom he does not like: “No work for you, you are among the 80% who will get no job so you will have to stay here. You have been sentenced for 3 years, you stay for 3 years.” So, there is a problem here.

The Commissioner of Prison should not have this power to deal with the liberty of a citizen. The Commissioner of Prison should not have this power to do what a judicial body should do, what an independent body should do! He cannot be judge and party. So, we are asking that this section be removed. We give all the power to the Visitors’ Board. It is only the Visitors’ Board which can deal with the remission, be it losing your remission or granting remission.

We have to invest in the prison to ensure that jobs be created for all, not for the boys only, that everybody should have an equal chance to work, to offer their services, to earn their remission and this should be done in all transparency. Work distribution should be done in all transparency. Remission should be done by an independent body; earn or lose remission should be by an independent body. This is why we believe that the new section we are adding, giving the Commissioner more power, should be done with.

Let us empower the Visitors’ Board. Let us have a strong Visitors’ Board who are prepared to sit regularly, to study case-by-case of each prisoner. Let the prisoners themselves go to the Visitors’ Board. They do not have to be accompanied because we know when you have one officer behind your back and when you are deponing, we know how it is. They should be free to go before a Visitors’ Board on their own freewill to say what they have done, what they not done and let the Board decide whether to give them the remission or not.

So, Madam Speaker, this new system of earned remission, we are not inventing the wheel, it has been practiced in many countries. In the UK, it was first introduced in 1955; there, it is known as the Incentives and Earned Privileges Scheme. But there, it was stated in one report: ‘For the prisoners to earn their remission equitably there must in practice a fair,

equitable and non-discriminatory system giving all the detainees the equal opportunity to prove themselves.’

There was one Judge, Judge Woolf, who presided to a riot in a prison. They had that earned remission system. What was the reason behind? Blacks were discriminated against. They were not given work. They were not given an opportunity to do whatever they wanted to do and they were detained in the full length of their sentence.

So, the ability for detainees to earn their remission, which is what we are doing today, is largely dependent on prison being able to supply sufficient places on offering behaviour programmes and in-work education and training. We should ensure that this amendment, which I say, we agree with the principle, but we have some doubts when it comes to its practice. Be part of a rehabilitation revolution, we cannot go on with the statistics where 80% of inmates are reoffenders. There must be a rehabilitation revolution to ensure social integration rather than by a desire to appear tough on prisoners and prison officers. Thus, it fails to address the fundamental issue of reducing reoffenders. We want less criminals on our streets. We have to educate the prisoners. We have to reduce the offenders and we have to give them that opportunity.

Madam Speaker, we believe that it is also vital that prison policies do not undermine the importance of family contact and rehabilitation and, most importantly, safe, humane and decent treatment of the people in prison.

I have done, Madam Speaker.

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

At 4.51 p.m., the sitting was suspended.

On resuming at 5.28 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Mrs Jeewa-Daureeawoo!

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): Madam Speaker, allow me first of all, right from the outset, to thank the Rt. hon. Minister Mentor for bringing forward this important Bill, the Reform Institutions (Amendment) Bill (No. III of 2018).

Law is meant to be changed. Law is dynamic in the sense that it is constantly changing due to change in society such as new needs. I personally welcome and commend the introduction of this Bill. I firmly believe that the present Bill will surely bring a paradigm

shift to the Mauritian prisons system. The present Bill is, in fact, bringing major changes and reforms to the Reform Institutions Act of 1988, the legislation that currently governs our prisons and the detention of prisoners.

Madam Speaker, since the introduction of the Reform Institutions Act in 1988, this is the first time a government is bringing major amendments on the issue of remission to be given to prisoners. Our Government firmly believes that the new concept of earned remission will surely have a positive impact on the conduct of our prisoners, thereby improving law and order in our prisons.

To reply to hon. Baloomoody, I am informed that the Parole Board is fully operational and discharging its statutory duties as provided by the law. Allow me also to refer to hon. Baloomoody's speech, where he mentioned that only 20% of prisoners are entitled to work and the other 80% have no work to do in prisons, therefore, those 80% will not earn remission. I beg to differ in as much as in the Explanatory Memorandum, at paragraph (a), it is clearly mentioned that during their term of imprisonment, if they are of good conduct by not committing any prison default, so they will earn remission. This is elaborated clearly in Regulations 33 and 34 of the Prisons Regulations 1989 where it is clearly mentioned at Regulation 33 (c) that a person will commit a minor prison default where he refuses to work when he is so required to do. Therefore, it does not mean that if there is no work prisoners will lose remission.

Coming to the Bill, Madam Speaker, one of the major amendments is, of course, in clause 5 of the Bill. Clause 5 of the Bill repeals and replaces the existing section 50 of the Reform Institutions Act 1988. As the law stands now, section 50 provides for an automatic system of remission for a prisoner. Under this automatic system, a prisoner is statutorily eligible for one-third remission on his prison sentence. This means that he will be automatically released from prison after serving two-thirds of his sentence irrespective of his conduct in prison.

Clause 5 of the Bill introduces a new section 50 entitled 'Earned remission' to the Reform Institutions Act 1988. As the heading of the new section 50 indicates, a new system of earned remission will replace the old system of automatic remission.

With the new system of earned remission, prisoners can earn a maximum remission of up to one-third of their sentence on the strict condition that they maintain their good conduct during the time of imprisonment. By introducing the concept of earned remission for good

conduct in prison, Mauritius is following the footsteps of other countries like Canada, Northern Ireland and the United States of America, which have already introduced this system and have seen the positive result of introducing this new system. So, the concept of earned remission is a structured system that aims at encouraging prisoners to behave properly in prison knowing full well that this good behaviour can allow them to be released from prison earlier than decided.

This new system, earned remission, has many benefits. It will give the prisons system a greater control over the conduct and behaviour of prisoners. It will help Government save money by reducing operational and maintenance costs in prisons. It will help Government to address the issue of prisons overcrowding. It will improve our prisons management, and it will also help to facilitate the integration of prisoners in the society and as such reduce recidivism.

The main objective of the system of earned remission is to tackle the increasing problem of prisoners not respecting law and order in our prisons. The new system will motivate prisoners to maintain good conduct, as they know that they may be rewarded for this through early release. The prisoner's desire for self-improvement will increase because he knows that this will have a direct bearing on his prison term. With this new system, a prisoner will be encouraged to refrain from committing acts of misconduct in prison. Common acts of misconduct include assaulting prison guards, introducing drugs in prison, drug-dealing offences and introducing prohibited articles such as mobile phones in prison. Furthermore, encouraging the good conduct of prisoners will also enhance the security and welfare of the other inmates by creating a safer prison environment.

The existing system of automatic remission makes it difficult to control the conduct of prisoners. Controlling prisoners is expensive because it requires a significant number of prison guards and security personnel, expensive security devices and other costly physical features of prison such as solitary confinement cells. Therefore, the costs of operating our prisons could be considerably reduced if prisoners behave better; they can earn remission and early release. Reducing the time they spent in prison provides a practical way for Government to tackle the issue of prison overcrowding. It will also reduce Government costs and operating our prisons as the cost of maintenance per prisoner, we have to admit, is increasing year by year. The new system of earned remission, which caters for reinforcement of good conduct in prison, will surely facilitate a prisoner's reintegration into our society.

Madam Speaker, another significant amendment being brought by the Bill is in clause 4, which amends section 37 of the Reform Institutions Act 1988. Section 37 of the Act concerns punishment that the prison authorities can impose on prisoners for acts of misconduct, specifically through the loss of remission. As section 37 currently stands, punishment through lost remission was only directory. This means the decision to impose such a punishment was entirely at the discretion of the prison authorities.

With the amendments being brought to section 37 by Clause 4 of this Bill, it will now be mandatory for the prison authorities to inflict the punishment of loss of remission on prisoners in cases of misconduct. The punishment of loss of remission for misconduct in prison will, therefore, become a statutory imposition. This new measure will act as a deterrent to prisoners. They will be careful not to commit any act of misconduct as they will know this behaviour will have a negative impact on their chances for earned remission, delaying, therefore, their release from prison.

Madam Speaker, Clause 8 of the Bill is bringing another amendment to section 61 of the Reform Institutions Act 1988. The aim of this amendment is to toughen the law against officers of the Mauritius Prison Service. It will introduce an array of new offences which will cater for new reported incidents and violations committed by these officers at their place of work, for example, the introduction of prohibited articles into prison such as mobile phones, firearms, explosives and drugs.

Clause 8 of the Bill also significantly increases the sanctions and penalties to be inflicted on prison officers who are convicted of such offences. The fine, as has been pointed out by the Rt. hon. Minister Mentor, will be increased up to Rs500,000 and to a term of imprisonment not exceeding 15 years. The objective is to discourage Prison officers from committing any of the offences which I have just mentioned at their workplace.

Another important measure is being brought is in Clause 10 of the Bill by inserting a new section 63A in the present Bill. As per section 63A, I quote -

“If a detainee has committed an offence under the Act and is convicted for this offence, he shall, on his conviction for his offence, be ordered to serve immediately after the expiry of any other sentence for which he was detained, any sentence imposed upon him by the Court for the offence committed under this Act”.

So, this means that a prisoner who has committed an offence in prison will now have to serve both sentences consecutively instead of serving these sentences concurrently, that is, at the

same time. The objective of this measure is to discourage prisoners from committing offences under the Act during their imprisonment as this will extend the length of time they will have to spend in prison.

Madam Speaker, I will end by saying that law and order is one of the top priorities of the present Government. We are today introducing a long-awaited Bill. So, we are happy that the present Bill is in the House today and we are confident, on this side of the House, that this piece of legislation which abolishes the system of automatic remission and introduces the concept of earned remission will surely have a positive impact on our prison system.

Thank you.

Madam Speaker: Hon. Mrs Boygah!

(5.39 p.m.)

Mrs D. Boygah (Second Member for Vieux Grand Port & Rose Belle): Thank you, Madam Speaker. Madam Speaker, Mauritius has a tryst with its great destiny with a clear 2030 Vision, fully and convincingly described by the former Prime Minister visionary, Sir Anerood Jugnauth, and now Minister Mentor, Minister of Defence and Minister for Rodrigues and with the leadership and statesmanship of the foresighted Prime Minister, Pravind Kumar Jugnauth who has set the country firmly and resolutely on the path of modernisation and accelerated transformation through innovation and competitiveness which aims at the creation of prosperity for the nation.

The process of modernisation and transformation inevitably encompasses the amendment of such legislation as necessary to take care of and deal with events and happenings that unfold themselves to the whole nation.

Madam Speaker, the rate of recidivism was around 67% for the year 2016-2017. The proposed amendment to the Reform Institutions Act is expected to address the high rate of recidivism and a further decrease is expected. The main challenge for the Mauritius Police Service currently is the high rate of recidivism and rising cost of imprisonment that is around Rs775 daily per head. This amendment is expected to have an impact on the rate of recidivism and the cost of imprisonment. It will, in the long run, lead to a reduction in the budget provided for the Mauritius Prison Service.

The Mauritius Prison Service has also contemplated other reforms to address the rate of recidivism with the re-introduction of licence to be at large, whereby a detainee who

benefited from the new system of earned remission and commits another offence after his release, will be made to serve the number of days earned as remission during his previous conviction in addition to the sentence imposed upon him for the new offence.

Madam Speaker, moreover, it follows that the Reform Institutions Amendment Bill is fully justified in the wake of shocking revelations to the Commission of Enquiry on Drugs and in the light of the reliable information the Government has regarding the alleged involvement of prisoners, prison officers, barristers and shady individuals in activities related to drug trafficking and money laundering. It also deals with the surreptitious introduction of drugs and other illicit items like telecommunication equipment, for example, mobile phones into the prison by prison officers, visitors and individuals pelting them into the prison compound from over the prison wall.

Madam Speaker, allow me to give you a few statistics regarding mobile phones secured in prisons of the past seven years: 2012 - 484; 2013 - 607; 2014 - 353; 2015 - 294; 2016 - 424; 2017 - 335, and as at 07 May 2018, it is about 100. Improvised weapons secured in prisons over the past 6 years as from 2012 are 32; 2013: 78; 2014: 39; 2015: 41; 2016: 150, and 2017: 62. Madam Speaker, such alleged involvement of prisoners has made it imperative that the system of automatic remission be replaced by a new system of earned remission for good conduct and by not committing any prison default as spelt out by first object (a) of the Bill which, indeed, ushers a new era which does away with the system of automatic remission. It is replaced by a new and more logical and realistic system of earned remission which fosters, induces, encourages and justifiably rewards proven and established good conduct by non-committal of any prison default by a convicted person.

The new section 50 fully detailed the mathematical calculation of earned remission on pages 7 and 8 of the amended Bill, and what is pertinent also is the provision made for the dealing with an unconvict person committing a minor prison default or an aggravated prison default. Persons on remand are expected to be of good conduct failing which they will, on being convicted and sentenced, be subjected to forfeiture of the remission provided for the section 50(5) (a) and (b) of the Bill.

Madam Speaker, allow me to just give some figures regarding the remand population. It has been observed that the yearly remand population is on constant increase. Year 2014, it was 2,633. 2015: 2,752; 2016: 3,147; 2017: 3,841 and 2018 as at 08 May 2018 it is 1,114.

In regard to earned or forfeited remission, there is a welcome provision in Section 50A for additional remission as well as for restoration of lost remission, which adds so much value to the imperative of good conduct in prison institutions. Hence, Madam Speaker, it is trusted that the Commissioner of Prison will judicially and justifiably use his power of determination under this section.

Madam Speaker, the first object of the Bill, object (a), in the context not only of the rule of law, but also of modernising and fine-tuning the concept and administration of remission, goes a very long way in the assurance of the welfare of prisoners and in educating and enticing them to abide, for their own good, by the rules and regulations which govern their imprisonment.

Madam Speaker, we need to be human and this Government is human and caring, but we also need discipline and positive attitudes and real good behaviour from prisoners, many of whom are surely victims of circumstances, and *accidents de parcours*.

Madam Speaker, they should remember that life is like a boxing ring; it does not matter that you fall, but what matters is that you get up before the 10 counts, and fight and win the battle. Making mistakes is understandable provided that these mistakes are not repeated, Madam Speaker.

Madam Speaker, the alleged involvement of officers of the Mauritius Prisons Service, has also made it imperative to toughen the law against them and persons working in reform institutions as well as against detainees, who are convicted under the Act as spelt out in the second object of the Bill, object (b).

As a deterrent, the third object (c) provides a detainee to serve any sentence imposed upon him by the Court for an offence committed under the Act during his term of imprisonment immediately after the expiry of the sentence for which he has been imprisoned.

Madam Speaker, to meet the three-fold objects of this Bill, it is imperative for the relevant part of the section of the principal Act to be amended and new subsection and sections added where necessary and sections concerned are –

- Section 2;
- Section 37;
- Section 50;
- Section 51 (a);

- Section 61;
- Section 62 (iv) is being repealed ;
- A new Section 63A is inserted, and
- 65, a new Section is being added.

The principal Act is being amended by adding to its Schedule set out of the Bill, amendments concerning Sections 41 and 47 (iv) of the Dangerous Drugs Act and Regulation 33 of the Prison Regulations 1989.

Madam Speaker, the other amendments in the Bill, indeed do full justice to its entire object. I do believe that punishment must normally and logically be appropriate to commensurate with the crime committed, but drug trafficking and trafficking in other prohibited articles deserve the most severe and toughest exemplary punishment. I believe the majority of inmates really want rehabilitation and other chances in life, and I share what the then Minister of Social Security, National Solidarity, Reform Institutions stated on 02 December 1988, when moving for the Second Reading of the then Reform Institutions Bill, and I quote –

“Offenders in custody generally require to be reformed rather than being punished.”

But these inmates must be protected against those prisoners, officers and visitors who for long have been polluting the atmosphere of reform institutions and attempted to run a mafia ring within and outside from within. I congratulate the Rt. hon. Minister Mentor, Minister of Defence and Rodrigues, Sir Anerood Jugnauth for introducing the Bill to this august Assembly and for displaying, once again, and as ever his unflinching determination and no-nonsense visionary and patriot to establish discipline, high sense of responsibility and accountability and good and clean governance, and to create order where there is disorder, and to modernise institutions without forgetting the internal values of brotherhood of man.

Madam Speaker, I support this Bill, and as the poet wrote –

“What is this life if, full of care, we have no time to stand and stare.”

Madam Speaker, let us, therefore, stare the devil that has been biting at all the very fabric of our institutions, take the bull by the horns and introduce legally sound measures to deal with them, while ensuring that they do not throw the baby away with the dirty water and the wash basin.

Thank you, Madam Speaker.

Madam Speaker: Hon. Ganoo!

(5.51 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Madam Speaker, there is indeed a need to update our existing legislation to shape up a better prison service in Mauritius.

Like all other countries, Madam Speaker, I think Mauritius also has to adapt to the modern trends and practices as far as the prison service is concerned. I shall make a few comments on this piece of legislation, on this Bill, Madam Speaker, and, in fact, a good test of a country's state of development is the state of its prison system, of its prison conditions, of its rate of reoffending, of its rehabilitation programme, of its remission programme and of its rate of overcrowding. This is why I think that we had the occasion today to bring legislation to update and to modernise our prison service. Instead, we have had a few amendments to the Reform Institutions Act and the objectives of this Bill are clearly defined in the Explanatory Memorandum, parts (a), (b) and (c).

The first one being this question of earned remission, but when we look at this Bill, Madam Speaker, we can see that it is the Rt. hon. Minister Mentor who is behind this Bill. The law has been toughened perhaps because of new circumstances which have evolved recently in our prison system. There was need to plug the loopholes with all the mobile phones, with all these articles which are now being imported into our prison system, and we know what harm all this has caused, but, in a nutshell, when I go through the few pages of this Bill, as I said, Madam Speaker, what is clear is that the Rt. hon. Minister Mentor, responsible for our prison service has decided to toughen the legislation with regard to these new developments that have taken place relating to our prison system.

Having said that, Madam Speaker, I will comment on a few clauses of the Bill. Let me start by welcoming the earned remission system. In fact, the object of this Bill is to do away, as has been explained before me, with the system of automatic remission and to replace it by this new practice of earned remission. This, as we all know, will encourage prisoners to be of good conduct. In fact, Madam Speaker, what have we done today? Rightly so, we have done away with what is called statutory remission, automatic remission and we have substituted instead earned remission and the philosophy behind introducing earned remission in our law is to encourage prisoners to be of good conduct and to stay away from prison default.

The concept of remission is not a new one. As we all know, we can trace it back to the 1840s in Australia. In fact, it was a prison governor and a penal reformer, Mr Alexander Maconochie who first proposed that system of earned remission in the 19th-century. The system was based on the principle that a prisoner's release should be dependent on his own will, his own efforts and not solely on the lapse of time that has been prescribed by the Judiciary. The concept of earned remission underlines the need for prison sentences to be reformatory.

Then other countries introduced that system. We just heard in the UK it was in the 1940s and in all other democratic countries like Canada, Northern Ireland, Australia, UK. Of course, Madam Speaker, the concept of earned remission became an acceptable, important element in the prison system. In Australia, the Law Council of Australia recommended that system in its submission to the Australian Law Reform Commission and the point was that when a prisoner behaves particularly well in prison and demonstrates real rehabilitation then there should be a procedure entitling him to reduce his sentence.

Indeed, Madam Speaker, remission provides the offender with the possibility of being released without being imprisoned for longer than absolutely necessary. Many countries including Canada have improved the system. In fact, Canada has one of the most well thought earned remission programmes in the world. It has been able to devise the right equilibrium between the need to encourage better behaviour of prisoners and, at the same time, protecting society. In its well-known Act, Corrections and Conditional Release Act, it stepped up the need for earned remissions rather than statutory remissions which has resulted in reforming and reintegrating prisoners back into society.

We have seen, Madam Speaker, in these countries which have introduced earned remission how with the purpose of strengthening public safety, they have earned a more sure, sensitive and congenial prison environment and have even developed employment skills through skills training programmes in the different prisons.

Therefore, Madam Speaker, the point is that the earned remission's approach is to be accompanied by programmes to increase the monitoring of prisoners in their progress to raise their accountability; to ensure and to encourage the prisoner to participate in his self-rehabilitation and reintegration into society. Those who know the prisons know, Madam Speaker, that, at a point in time when an offender has been serving a sentence for a long time instead of being open to rehabilitation, instead of becoming rehabilitative, he may start to

become detrimental due to his psychological well-being. It is in that context, in the interest of that prisoner and of the society at large that a prisoner, if released, can become a rehabilitated convict rather than encouraging him to become more affected by a sentence which turns out to be unnecessarily longer.

Madam Speaker, I have just talked about statutory remission or earned remission. There is even a third type of remission, Madam Speaker. That type of remission is the one granted by the Monarchs, by the Presidents, by the Heads of States and so on.

So, when today, we are welcoming this system of earned remission because, as I said, it allows prisoners to develop their sense of responsibility and gives them more incentives to serve their time productively, to contribute positively to society upon re-entry, Madam Speaker, this is why this Bill should be welcome.

There is one point that I would like to make concerning this question of earned remission as it is in our law, Madam Speaker. I will just recall Section 51A of the present Reform Institutions Act which is in our legislation and which has been referred to already by the hon. Minister Mentor. Section 51A talks about no remission or parole. Sections 50 and 51 which provide the possibility for a prisoner being released on remission after having served two-third of his sentence as the law is now, and which provide the possibility of the prisoner being released on parole, will not be available to a person who has been convicted of an offence under the Dangerous Drugs Act or who has been convicted of a sexual offence on a child or handicapped person.

This provision, Madam Speaker, that provided for no remission or no release on parole to a prisoner who has been convicted of an offence under any of the provisions of the DDA other than section 34, I must underline that, because somebody who has been convicted of smoking, for example, cannabis, or a minor offence under section 34 is not in the same category. The law mentions that specifically, other than section 34. By depriving accused parties convicted under the DDA or a sexual offence on a child or handicapped person, the law therefore deprives those convicted persons to benefit from any remission, as I have just said.

This clause, Madam Speaker, was introduced in the early 90's, when the country was facing a severe rise in drug trafficking. I am talking of the section concerning the Dangerous Drugs Act. Why was this clause, in 1994, introduced in the law? The Dangerous Drugs Act was amended to deprive, as I said, persons convicted of dangerous drugs under the

Dangerous Drugs Act of remission. It was because in those days, the country was facing a severe rise in drug trafficking and drug proliferation problem at that time. I remember before the introduction of that amendment, I was myself Attorney General in the MMM-MSM Government, and in consultation with the Prime Minister - the Minister Mentor who was then Prime Minister - that this amendment was introduced in our law. It was during those days that a High-Powered Committee chaired by the Prime Minister was setup, that the Constitution was amended to deny accused parties bail when they had already committed a drug offence and that part of the law was struck down by the Privy Council as being unconstitutional. And other provisions were then introduced in our Dangerous Drugs Act to address this scourge in those days, Madam Speaker. Witnesses were retracting in Court, back pedalling on their statement already given to the Police. All these were catered for in the Dangerous Drugs Act, and we introduced also, at that time, that clause denying accused parties convicted under the Dangerous Drugs Act of any possibility of benefitting from remission or release on parole.

Therefore, this has been maintained today in the law. In spite of all the amendments that have been brought, the Government has decided to maintain that position, that is, the situation has not been changed, persons convicted under the Dangerous Drugs Act, except section 34, would continue to be deprived of the possibility of benefitting from any remission. Even when this present Bill will be adopted in a few hours, accused parties, therefore, convicted of drug offences, except section 34, will have to serve their whole term of sentence, Madam Speaker.

But I wish to say, Madam Speaker, now that I am convinced of the wisdom in the concept and practice of earned remission which is being introduced today, which is in the statute books of other countries some 200 years ago, two centuries ago and which is now in all democratic countries, the concept of earned remission. In the light of modern penal trends and practices, I have changed my mind today Madam Speaker. I am of the opinion that earned remission should also have been made to apply to all prisoners indiscriminately because the philosophy behind convicting and sentencing is also that all offenders need to be reformed and not only punished. We have to consider the punishment aspect but we have also to look at the rehabilitation process, Madam Speaker. In the light of this philosophy of earned remission and the logic of its concept, since we are legislating to promote self-rehabilitation so that prisoners become more responsible, I think, Madam Speaker, that this Bill could have provided also that this category of detainees, of prisoners convicted of drug offences or sexual offences against child or handicapped persons, could have earned a remission, not

necessarily of one-third but perhaps lesser, one-fifth, provided, of course, they have been of good conduct and provided of course they do not commit any prison default. This would have encouraged them, led them to behave more properly in the prisons and give less problems to the prison officers, to the prison administration. This situation would have been more reformatory. Not give them the one-third that other prisoners will be benefitting if they are of good conduct and do not commit any prison default, but at least 20% of their term of sentence. And this, according to me, would have definitely provided them with an incentive for self-improvement and prepare them to integrate society in a more meaningful manner.

Madam Speaker, I say that because there is no doubt that the hope of these prisoners and all prisoners, when they know that there is a remission system, they hope that their conduct and they know that their conduct will affect their jail term. And this, in an effective way, makes them realise that they can shape their fate into a better way, thus inducing them to lead a better life inside and outside prison once released.

Therefore, Madam Speaker, to my mind, earned remission has a positive impact on a prisoner's psychology by developing his mental aptitude of moving forward for his own good and this is why I insist. I not only applaud this Bill but I say that it should also apply to all prisoners indiscriminately and if need be, reduce the percentage for those types of prisoners we have excluded in the past, Madam Speaker, that is, those convicted of drug offences.

But there is a problem with remission, Madam Speaker. Hon. Baloomoody, I think, made some comments on that. The only problem with earned remission, because it depends on the conduct of the prisoner, is that it has raised issues of favouritism and inconsistency in individual approaches. It is the prison officers, it is the Commissioner who would be heavily relied upon for reports, for feedback on the behaviour, on the performance of the prisoners and to decide whether they will be qualified for remission or not. This is the problem. And we only hope that there will be no favouritism, no inconsistency. The job will be done fairly and equitably so that the reports that will be provided to determine, to decide who will be qualified for that remission would be done on a fair basis, Madam Speaker.

I am saying this because there is a case in history. In 1987, there was a Minister for corrective services in New South Wales, Mr Rex Jackson. He was sentenced for taking bribes to secure the early release of prisoners. He was sentenced to seven and a half years in prison but he got remission. He served only three years until he was released, Madam Speaker. I discovered that when I was doing some researches before I came to the House today.

Madam Speaker, I have been positive, I have worked on this Bill but I insisted that the occasion should occur in the near future when we should have a fresh look at our prisons' service and update and modernise it, Madam Speaker.

I did not want to come here today to put the prison administration on the dock or to do as my friend, hon. Baloomoody, has said to send it behind the Bars. Having said that, I think there are a few comments I should make on the Bill and I will finish on that, Madam Speaker.

In the second page of the Bill, on the question of the 'prohibited article', we all know, Madam Speaker, that this is, in fact, the problem. Prohibited articles are finding now their way into our prison. But, what is a prohibited article? We do not know. There is no definition of prohibited article in this Bill. "Prohibited article" means such article as may be prescribed". But then, what is more serious, Madam Speaker, is that although we do not know the definition of a prohibited article, we are being asked to vote for proposals in this Bill. When a person is being convicted of possessing a prohibited article in an institution, he will be convicted and perhaps sent to jail. We do not know what this prohibited article is.

The Bill should have defined what is a prohibited article and not defining it as being an article which may be prescribed and, at the same time, proposing in the same Bill that anybody without lawful authority, who possesses a prohibited article, will be found guilty and fined or sent to prison, Madam Speaker. I do not agree with this proposal, Madam Speaker, just as I do not agree with clause 8 of the Bill. In clause 8, subparagraph 6, Madam Speaker, where it is provided for -

“(6) Any person who is convicted of an offence under section 61(2)(a) to (c) shall be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 15 years where that offence is related to dangerous drugs, explosives, firearms or ammunition.”

Madam Speaker, clause 11 (b), at the last but one page of the Bill, where section 65 of the principal Act is being amended, Madam Speaker, which I can read as follows –

“Section 65 of the principal Act is amended –

(b) by adding the following new subsections –

(2) Sections 150, 151, 152 and 153 of the Criminal Procedure Act shall not apply to a conviction under this Act.”

In fact, these are the clauses, which I referred earlier in my speech, as being very tough proposals and I said that one can see from this legislation that it is the Minister Mentor who is the policymaker. In that clause, Madam Speaker, I cannot understand why we are excluding the different provisions of the Criminal Procedure Act to apply for a conviction under this Act. Madam Speaker, for example, if I read clause 152, I am trying to explain to the House what is the purport of such a clause in the Criminal Procedure Act -

“Where under any enactment a Court sentences a person for an offence for which the penalty of imprisonment with or without hard labour is provided, the Court may inflict imprisonment with or without a hard labour for a period less than a minimum term of imprisonment fixed by the enactment.”

That is, these sections of a different piece of legislation which give certain flexibility to a Court of law in sentencing an accused party. All these are being taken away from the Magistrate who will be hearing a case where the prosecution decides to prosecute under this Act.

Madam Speaker, although, as I said, there are new circumstances which the Minister has decided to address, new developments concerning our prison system, but I think we have gone the extreme of toughening the law too much. Regarding this problem of prohibited articles getting into our prison system, Madam Speaker, last year where the budget was voted in the very House, you will remember, that one of the proposals that was made by the Minister of Finance, was precisely with regard to the drug problem, was precisely to discourage or to deter any person or prison officers in particular to bring in drugs in the prison system was to place these body scanners. I am reading from last year's Budget, at paragraph 312 –

“An alarming amount of drugs permeate prisons in Mauritius. Cutting this supply is a crucial part of helping to maintain order and safety and ensuring prisons rehabilitate offenders. I am therefore providing for the acquisition of two body scanners for the Melrose and Beau Bassin Prisons and for the recruitment of 35 Prison officers.”

I am asking the question to the Minister Mentor: why is it that these body scanners have not been placed in these two prisons which are being mentioned in the Budget Speech of the Ministry of Finance?

I will stop here, Madam Speaker. Before I resume my seat, as I said, although there are some clauses with which I disagree personally in this Bill, I think, that, on the one hand, positive measures have been proposed to the House today and this is why we welcome this practice on this concept of earned remission, but having said that, I also wish and hope that on occasion arising, Government will come up with a new legislation to update our prison system and modernise it so that, as I said, we can pass the test of credibility insofar as our prison system is concerned.

I have done. Thank you, Madam Speaker.

Madam Speaker: Hon. Rampertab!

(6.25 p.m.)

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Madam Speaker, let me thank the Rt. hon. Minister Mentor, Minister of defence and Minister for Rodrigues for bringing forward a series of amendments to the Reform Institutions (Amendment) Bill (No. III of 2018).

Madam Speaker, this Government is showing once again its firm commitment in bringing their long needed reforms to improve the prisons system in Mauritius and in Rodrigues.

Madam Speaker, our prison system in Mauritius has, for many years, been in the limelight for mostly wrong reasons. However, it is only this Government which is determined to be realistic with the issues being faced and be bold in proposing the appropriate solutions. The main aims of prison are to provide a secure environment for the society and to punish offenders and prevent any further offences, and also to ensure that the offender is provided with all the right conditions to be rehabilitated before being sent back to the society.

Madam Speaker, here I would like to refer to the famous American sociologist Erving Goffman who made a thorough research on prisons, and he argued that institutions such as prisons can ultimately lead to a person being worse off, better off or simply insane. Our aim is to relentlessly improve the conditions inside prisons and provide all the necessary support for individuals to be accepted and be able to contribute to the society once released. In fact, today, Madam Speaker, the issues surrounding prisons are as follows -

- Firstly, overcrowding of prison facilities; an issue which is faced by most prisons around the world. The Government has boldly addressed this issue

with the construction of a brand new prison in Melrose and the re-opening of La Bastille with better conditions.

- Secondly, the lack of any tried and tested alternative to imprisonment. Madam Speaker, in my last address for the Judicial and Legal Provision Bill, I did comment on the proposal of electronic tagging for short sentences. As a matter of fact, as per statistics, in Mauritius, around 25% of detainees were sentenced for less than one month and 48% for less than six months. And I do not expect the number to have changed drastically, and hence the electronic tagging solution remains a potential solution to be considered as it is done in the UK, US and in Canada.
- Thirdly, Madam Speaker, failure of the rehabilitation programme, as it is estimated that around 85% of detainees are not rehabilitated and will become potential re-offenders.
- Fourthly, Madam Speaker, the increasing cost per head of each detainee which, in 2016, amounted to Rs775 per head per day and around Rs280,000 per detainee per year.

Madam Speaker, remission being one of the forms of early release can help reduce the overcrowding issue. Indeed, the current system of standard remission is greatly outdated compared to other countries and urgently deserve to be aligned to the new trends being developed in the field of prison reform. Normal remissions imply the ending of the sentence at a point prior to the length of the awarded sentence.

Madam Speaker, the Reform Institutions Act of 1988 makes a very straightforward mention of the remission, and I quote -

“Subject to section 51, a person sentenced to imprisonment for a period exceeding 31 days shall be eligible for discharge after having served two thirds of the period of sentence.”

Here, Madam Speaker, let me congratulate the Rt. hon. Minister Mentor, Minister of Defence, and Minister for Rodrigues for presenting a clear, updated and forward looking set of amendments which will indeed help the prisoners, but more importantly the prison management with information of the criteria to be applied in case of remissions. The general public will also benefit from the clarity expressed in each category of amendments and how the remission ultimately operates. The Commissioner of Prisons and in Rodrigues, the Island Chief Executive, are now fully empowered with a range of tools to deal with remission in

every category set out by the amendments. However, the challenge will be to keep track of the gains and losses of the remission for each prisoner over some time and under each category set out, and as such, a robust remission management IT platform will definitely provide the support required by the prison management. Such a platform, Madam Speaker, will also help the prisoners to be aware of their entitlements and ultimately avoid any confusion or misuse.

Madam Speaker, according to a research, the regime of automatic remission has very limited impacts on encouraging prisoners towards achieving a good and reformed behaviour. However, the new proposed system of earned remission sets Mauritius on par internationally and prisoners will now have a strong incentive to work towards a better behaviour within the prisons and watch their back in the society. Hence, earned remission, if coupled with a reform rehabilitation and reintegration regime, can potentially play a pivotal role in reforming prisoners.

Madam Speaker, it is essential that prisoners have the right access to tailored rehabilitative mechanisms and ongoing support required. For example, in Canada, earned remission is supported by the appropriate controls such as increased monitoring of prisoners, their progress, and through effective communication ensuring that they are adequately accountable.

Madam Speaker, this Government is ensuring that offenders are paying their dues to the society they have harmed by toughening the laws accordingly. However, we are also fully engaged in cleaning the system from the inside. It was long overdue to bring in the necessary reforms to tackle the issue of prison staff who work in collaboration with offenders. Madam Speaker, the amendments proposed by the Rt. hon. Minister Mentor, Minister of Defence and Minister for Rodrigues are in the right direction and set the bar very high in terms of tracking down and punishing prison staff who are illegally involved with prisoners.

Madam Speaker, in our modern age of technological advances, prisoners and their accomplices leave no stone unturned to attempt the illegal introduction of electronic equipment such as mobile phones, SIM cards and any prohibited items in the prison. We know it is a basic right that prisoners are given opportunities to communicate with their loved ones and lawyers. However, it is not acceptable that prisoners illegally obtain mobile phones with sometimes the help of prison staff and accomplices.

Madam Speaker, I believe that a prison staff is caught red-handed trying to smuggle a mobile phone, a SIM card or any prohibited item inside the prison for a prisoner, a special regime or punishment should be imposed on the prison staff to seriously deter them. The right to possess a mobile phone is being given now to the Commissioner of Prison and the Deputy Commissioner, which makes it clear that any other mobile phone within the prison premises is illegal. The challenge will be to ensure that illegal mobile phones are tracked, but also investigated and, under the Commissioner, a special squad should be set up to undertake these searches.

Madam Speaker, the fines associated could be increased as some prisoners, of course, have huge illegal financial resources, and the fines should be strict enough to act as strong deterrents.

Madam Speaker, this Bill is a concrete example of our Prime Minister's, hon. Pravind Kumar Jugnauth, unflinching commitment in bringing the bold reforms required by our country's institutions.

Once again, Madam Speaker, let me congratulate the Rt. hon. Minister Mentor, Minister of Defence and Minister for Rodrigues for bringing forward this Bill, and we believe that he will use his vast experience in presenting forward-looking legislation like this one to ensure that our country is on the right direction in achieving the reforms as promised to the nation.

Thank you, Madam Speaker.

Madam Speaker: Hon. Sesungkur!

(6.34 p.m.)

The Minister of Financial Services and Good Governance (Mr D. Sesungkur): Thank you, Madam Speaker. I do not intend to be long because I can see that there is broad consensus, if not unanimity in the House in favour of the amendment Bill. In fact, I intend to focus mainly on the financial aspects and the administration of the prisons, which is also an important aspect besides the legal changes that are being brought.

Madam Speaker, ever since this Government has sworn into power, we took a pledge that we will be bringing swiping reforms to our institutions and turn in turn we have enacted a number of legislation which can be categorised as ground-breaking legislation. I can mention only a few, the National Disaster Risk Reduction and Management Act, the National

Wage Consultative Council Act which eventually brought the Minimum Wage; there are also the Independent Police Complaints Commission Act, the Police Membership of Trade Union Act which allowed the Police officers to be syndicated, and this Reform Institutions (Amendment) Bill (No. III of 2018) is yet another ground-breaking legislation which intends to put order in the whole system of rehabilitation and resettlement.

I have listened carefully to a number of orators who have painted the exact picture, the exact situation of law and order as it is today, a situation which we have inherited, which got rotten for years and there were no actions. Hon. Alan Ganoo mentioned that he is totally in favour of this Bill. In fact, it is a Bill which is going to change the whole system of remission. But after this Government set up a Commission of Enquiry on Drugs, we noted a number of situations which were surprising, where we could see that Prison officers who were supposed to help in putting order in the house, they were themselves in connivance with criminals and prisons were being turned into a headquarter for drug dealings. We have also heard of the number of recall to prison which clearly shows that there should be something wrong in the system, and which we will have to address.

As a Government which means business, I think that we had to take the bull by the horns and we have come up with this new piece of legislation so that whoever wants to be reformed, whoever wants to come back on rail and earn his living as a normal citizen will be allowed to do it. For those who do not deserve because they have chosen to commit crimes again and again, they will have to pay the price for it.

In fact, in the statistics which were published recently by the Central Statistical Office, there is a general trend whereby crime rates have been increasing and it is the responsibility of this Government to address this teething problem inasmuch as there is pressure outside in the public that we need to toughen the legislation, we need harsher punishment for crimes which are being committed with more and more atrocities; there are cases of sexual offenders, cases of habitual rapists, offences whereby there are attempts on the life of minors, of women. So, all this needs to change, and for this to change, it is necessary that we have 'Doberman' laws, because we believe that these kinds of bold measures are necessary for a society to breath fresh air after nearly a decade, where we have seen that our values, our society were going down and down.

I think it is really a historical moment for our country and again it is an action by someone who has proved himself to be a man of discipline. We know that every time we

have Sir Anerood Jugnauth coming up with a change, it is something that we can necessarily rely upon to be in the best interest of our society.

Madam Speaker, as I said, we need tougher laws and I sincerely believe that we need to go beyond the question of remission, fines and imprisonment for some offences. For instance, amendments proposed in cases of offences related to dangerous drugs, explosive, fire arms, or ammunition, it is proposed a fine not exceeding Rs500,000 and a term of imprisonment not exceeding 15 years.

This is not enough for peddlers and hawkers of death. We need strong amendments to our main act to deal with recidivism, re-offenders, habitual criminals, drug traffickers and for heinous crimes like murder, rape or even corporate scandal, among others.

People engaged in atrocious activities with impunity deserve no sympathy. Their repeated acts amply justify toughest actions. As a Government that cares and endeavours to clean and protect our society from many of these offenders, a term of imprisonment, even life imprisonment is inadequate. They deserve the punishment of the last resort, death penalty. Such penalty will neither be cruel nor inhuman for those who have no respect for human life and the well-being of our posterity.

I move, therefore, to add to Section 61 of the Principle Act, under Section 61 (2) (a) to (c), after a term, - this is my personal view, it binds nobody, not my Party colleagues, but myself - death penalty to repeated offenders of heinous crimes, which, I am convinced, will act as a deterrent and get rid of the fatal cancer that gnaws our society to the marrow of its bone. It is a punishment that is just and the murderers deserve no better. I have total confidence in the death penalty to keep our society safe and free from the hands of heartless murderers.

I said we need 'Doberman' laws; it is similar to having a Doberman in your yard. The very presence of that fierce dog is a solid deterrent in itself.

(Interruptions)

This is my personal opinion and it does not bind anyone, apart me.

(Interruptions)

Madam Speaker, as a responsible member of society, I am of the opinion that habitual wrongdoers must be made to suffer for the pain they inflict on others. In both the Republic and the Laws texts, Plato treats punishment as being a social practice. He discusses the topic

with Socrates. The analysis of his theory of punishment shows that if a man's existence proves inimical to the happiness of the State for whatever reason, he must be removed. This may be interpreted as nothing may take precedence over happiness of the State.

In Mauritius, drug peddlers and hawkers, habitual rapists and even high corporate criminals do not contribute to the happiness of the State. Hence, they have no reason to be part of the State. They must be removed as advocated centuries ago by Plato, hence my justification for the amendment was death penalty.

Madam Speaker, now is the time to take the bull by the horns. I still remember, Madam Speaker, years ago when the Rt. hon. Minister Mentor was Prime Minister of the country for many years, he urged for more discipline from the population and respect of the laws of the land. His warnings were like stun bombs. Even the most intrinsic offenders and re-offenders went into hibernation with tails between their legs and the country breathed an air of tranquility for almost 13 long years. We need that kind of action and even harsher within the Reform Institutions Act.

Our citizens should learn the art of discipline. Without discipline, there is no life at all. There was an era – someone has said it: if you don't conquer self, you will be conquered by self. Selfishness – this is what we call selfishness. We have lost the balance between rights and responsibilities. Since independence, we have probably placed too much emphasis on people's rights and not as much on their responsibilities.

Madam Speaker, before I end, let me quote what Barack Obama had to say on rights and responsibilities of citizens –

“We, the People, recognize that we have responsibilities as well as rights; that our destinies are bound together; that a freedom which only asks what's in it for me, a freedom without a commitment to others, a freedom without love or charity or duty or patriotism, is unworthy of our founding ideals, and those who died in their defense.”

Thank you very much, Madam Speaker.

(Interruptions)

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Madam Speaker, I move for the adjournment of the debate on the Reform Institutions (Amendment) Bill (No. III of 2018).

Mr Jahangeer rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 15 May 2018 at 11.30 a.m.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned. Hon. Armance!

(6.51 p.m.)

MATTER RAISED

GRNW & PORT LOUIS WEST - FLOODS

Mr P. Armance (First Member for GRNW & Port Louis West): Thank you, Madam Speaker, for allowing me to take a few minutes of the House today to comment on a very important issue, that is, flooding in my constituency, Constituency No.1, GRNW & Port Louis West.

For many months now we have experienced so many floods that nearly the whole constituency now is concerned about flash rain, flood and water accumulation. I understand that many drains have been done in the constituency. I agree that the river at Canal Dayot has been enlarged, but hon. Prime Minister, the problem of flooding now has become worse and worse in the last months.

I would like to take some examples. At Cité Richelieu, there has been a drain project that has been identified since long now, but for some reason, nothing has been done so far. Unfortunately, during heavy rains, we experience huge water accumulation and at least eight houses are completely flooded with water, even for one of them with 1 meter height water which penetrates the house.

At Pailles under the underpass in front of Mauvilac every time there is heavy rain it is impossible for vehicles and pedestrians to circulate under the underpass. But, there, we have

noted that the drains are not maintained properly and this even disturbs the traffic on the Motorway.

At Cassis and Cité Vallijee, lack of drains in some regions causes water accumulation and again we experience that so many people go to refuge centres after heavy rains.

At Canal Dayot, the people living there are constantly living in fear. Whenever there is a small rain, this reminds them of 30 March when we had the flash flood and despite the fact that the river has been enlarged, it is not maintained properly and the volume of water in the river keeps rising and we noted that the risk of a heavy flood there still exists and these people are again, I am saying, living in fear.

The river from Canal Dayot goes to Sable Noir. In 2014, hon Dayal, then Minister of Environment promised that within hours, he would demolish a small bridge. We are now three years from that date, even my friend, hon. Mrs Selvon, was there, she can confirm, and even after three years, the small bridge is still there. This is representing a very big potential danger for the inhabitants. There has been a new bridge that has been built, but there is no access road for the inhabitants and the danger at Sable Noir is still there.

Madam Speaker, these are those small things that make the risk of flooding in my constituency. In the region of Pointe aux Sables, during the last rains, areas that were never flooded before are now affected by water accumulation. The reason behind, obviously, is a lack of maintenance in the drains. Worst, we have three outlets to evacuate water from Pointe aux Sables and all the three outlets are completely obstructed and somewhere somehow they have been disturbed in the network. So, the water is not circulating properly in the outlets. All the three outlets are completely useless right now.

Water from Richelieu, Coromandel and Albion now circulate through areas like Debarcadere and, unfortunately, the flow of water is not evacuated properly and many houses are again affected by the water. In many regions, I understand the Government has put sand drains. This is helping to reduce the volume of water, obviously, but, unfortunately, hon. Prime Minister, again the sand drains are not maintained properly. I can say that they have never been maintained. Since 2014, there have been some drains, but, up to no, none of them has been maintained. We get a lot of dust, waste in the drains, but they are not maintained properly. They are again useless.

Another issue which I wanted to point out is about stormwater drains which come from factories. In the region of La Tour Koenig, there are many factories and they have the

storm water drain system where the water is evacuated from the factory to the road. The road within minutes becomes a river! We can see again now despite there have been some drains in some areas at Debarcadere, this is not appropriate because the volume of water that is evacuated from the factories is too much for the small drain that has been built by the Municipality and you can see the quality of the drain, it is not very good.

So many people are now going to refuge centres after heavy rains. The Minister is spending a lot of money, I understand, in compensation for example, at Camp Firinga where the whole Camp Firinga is affected by water. Every single rain, 2 hours of rain is enough so that you have hundreds of persons attending the refuge centre at Camp Firinga. There had been a request - at that time I was sitting on the Government side – that we have a proper drain network there but nothing has been done so far and every time it is going to rain, Madam Speaker, every time it is going to rain, hon. Prime Minister, we will have the problem. I am not doing politics on this thing today. I am just saying that my constituency is suffering a lot from rain and from water accumulation.

(Interruptions)

Twa ki pane faire narien!

Madam Speaker: Please!

(Interruptions)

Mr Armance: I know the hon. Prime Minister is in process now of doing the new Budget. I will humbly ask him if he can ask the Land Drainage Authority or the NDU to conduct a complete survey in the constituency. At least, we identify the areas that are at risk and come with sustainable solution in the House.

Thank you.

The Prime Minister: Madam Speaker, the hon. Member has given notice to raise an issue with regard to flood problems in Constituency No. 1, Grand River North West and Port Louis West.

Unfortunately, I must say, the hon. Member has done so without giving any particulars about all the different places and sites that he has mentioned. Well, that is his right, anyway. But if he had wanted me to be able to provide him with the information requested, obviously I do not have in mind all the areas, all the places where there has been upgrading of infrastructure; where there have been drains that have been constructed. I would

have been able to look at them and I would have been able to enlighten the House specifically on these issues.

Let me say, Madam Speaker, that my colleague, hon. Alain Wong Yen Cheong, had already raised with me the issue of flooding in some areas in Constituency No. 1 some time back.

(Interruptions)

Therefore, we are aware that various regions in Constituency No. 1 have been subject to flooding during the past years as it has also been the case in many regions across the island. With the advent of climate change, Mauritius is experiencing a series of abnormal high intensity rainfall events resulting in flash floods quite frequently. As an example, the mean amount of rainfall over Mauritius for the month of January 2018 exceeded the long-term mean value for the same month by 300%. Besides the extreme climatic events, assessments carried out in relation to main causes of flood reveal that water accumulations and flooding are occurring as a result of a combination of physical factors such as –

- (i) lowlying nature of the land with no outlets;
- (ii) absence of drainage infrastructure and/or inadequate capacity of drainage infrastructure in some areas;
- (iii) changes that have been brought to new development in term of sealing of ground and reduction in surface area for percolation and ground water infiltration, and
- (iv) human-induced hindrances to the performance of existing drainage systems.

It is also a known fact that Port Louis and its surrounding areas are among the most densely populated regions with a high degree of urbanisation which took place over several decades and this renders the issue of land drainage highly complex and requires an integrated approach. I am informed by the National Development Unit that, to address the immediate problems in some areas which, as I have said, have been drawn to my attention by hon. Alain Wong Yen Cheong previously, drains have already been constructed at Pointe aux Sables, Les Salines, La Tour Koenig, Cassis and Camp Benoit.

Now, in two places, that is, Residence Vallijee and along St Louis River at Pailles, I understand that works are ongoing. However, to provide long-term solutions to the flooding problems, the NDU is working on drainage systems to evacuate the surface water. It is

planning to construct drain networks at Cassis, Pointe aux Sables, La Tour Koenig and Richelieu, estimated at around Rs152m.

Regarding the project at Cassis, the consultant has already finalised the designs and scope of works. It is expected that, following the appointment of a contractor, works will start by July 2018. For the project at Pointe aux Sables, the consultant is working on the design and scope of works. And for the projects at La Tour Koenig and Richelieu, actions have been initiated for the appointment of a consultant for the design and supervision of the projects.

Madam Speaker, moreover, to deal with the flash floods in the long-term, and in an integrated manner, the NDU will embark on the preparation of a Land Drainage Master Plan which is one of the main objectives of the Land Drainage Authority. In this connection, the NDU will procure a Digital Elevation Model of high-resolution and accuracy to the tune of Rs40m. The new Digital Elevation Model will be used to derive information such as flow rate and depth of water.

Madam Speaker, I would like to reassure the House of the commitment of this Government to address the flooding problems both in Mauritius and Rodrigues. An amount of Rs720m. has been provided for the construction and upgrading of drains in the Budget of the NDU during this financial year. With regard to the specific areas which have been mentioned by the hon. Member I shall, of course, inquire into the problems in those areas, and consequently give the information to the House.

Thank you.

At 7.03 p.m., the Assembly was, on its rising, adjourned to Tuesday 15 May 2018 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

LOCAL GOVERNMENT LEGISLATION - AMENDMENTS

(No. B/336) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the commitment taken in the Government Programme 2015-2019 to amend the Local Government Act to consolidate democracy at local level and promote better participation of local councillors in the management of community affairs, she will state where matters stand, indicating if the relevant proposed amendments in relation thereto will be introduced in the House prior to the next Village Council Elections.

Reply: With regard to the commitment taken in the Government Programme 2015-2019 to amend the Local Government Act to consolidate democracy at local level, and promote better participation of local councillors in the management of community affairs, I am informed that the following amendments have been brought to the Local Government Act 2011 -

- (i) To increase the representativeness of the local community in their elected body and involve them in local decision making, Section 11(4)(a) and (b) of the Local Government Act 2011 were amended in 2015. This amendment provided for an increase in the number of Municipal City Councillors and Municipal Town Councillors to be returned per ward. The number of councillors went from 3 to 4, therefore increasing the total number of councillors from 90 to 120.
- (ii) In 2016, Section 115 of the Local Government Act 2011 was amended to review the composition of the Permit Business Monitoring Committee to provide for greater participation of councillors in the determination of applications for the Building and Land Use Permit. The new section 115, as amended by Act No. 18 of 2016, now statutorily provides for the Permit Business Monitoring Committee to comprise 5 councillors and 4 officers instead of only 5 officers of the Local Authorities.
- (iii) Under section 117(9) of the Local Government Act 2011, provision was made for the Minister to retain authority with regard to the issuing of Building and Land Use Permits or Outline Planning Permission in relation to development on Mountain Reserves, River Reserves, motorways, and with regard to night clubs, private clubs, activities licensed under the Gambling Regulatory Act and any other activities as may be prescribed. From this provision, it was clear that the Minister, and not the Local Councillors had the ultimate decision-making power in regard to the Building and Land Use Permit. In line with the measure enunciated in the Government Programme, this Government agreed in 2016, to amend the Local Government Act 2011 by Act No 18 of 2016 to remove these powers from the Minister and vest same in the newly constituted Permit Business Monitoring Committee which is composed of a majority of Local Councillors.

POLICE - VIP VEHICLE FLEET

(No. B/338) Mr A. Duval (First Member for Curepipe & Midlands) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the VIP vehicle fleet at the VIP Car Pool Unit, he will, for the benefit of the House, obtain from the Commissioner of Police –

- (a) a list thereof, indicating the make, model and purchase price thereof, and
- (b) information as to the amount of money spent on the maintenance and repairs thereof since 01 January 2015 to date.

Reply: I am informed by the Commissioner of Police that there are 100 vehicles of different makes and models in the VIP Car Pool Unit of the Police Department. 64 vehicles are in good running condition. The remaining 36 are condemned and are awaiting disposal through auction sale scheduled on 08 and 09 May 2018.

Regarding part (a) of the question, I am tabling the information requested for pertaining to the make, model and purchase price of the vehicles.

As for part (b) of the question, a total sum of Rs22,982,337.38 has been spent on maintenance and repairs of vehicles in the VIP Car Pool for the period from 01 January 2015 to 02 May 2018.

AGALEGA - INDIA AND MAURITIUS - AGREEMENT

(No. B/339) Mr A. Duval (First Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the agreement signed between India and Mauritius in relation to Agalega, she will, for the benefit of the House, table the confidentiality clause thereof and, if not, why not.

Reply: The confidentiality clause forms part of the agreement signed between the Government of the Republic of India and the Government of the Republic of Mauritius. The agreement, which stands *in toto*, is subject to confidentiality and there can be no full or partial disclosure.

SUBSISTENCE ALLOWANCE - BENEFICIARIES

(No. B/340) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Empowerment Support Scheme, he will state the number of beneficiaries on payment of a

monthly subsistence allowance thereunder, indicating the total amount of funds disbursed since 01 January 2017 to date.

Reply: From January 2017 to April 2018, a total amount of Rs270,088,510, representing payment of Subsistence Allowance has been disbursed to households eligible under the Social Register of Mauritius.

As at 08 May 2018, 9,987 households in Mauritius and Rodrigues are being paid the Subsistence Allowance on a monthly basis.

ROCHE BOIS - MUNICIPAL WORKSHOP - FACILITIES

(No. B/341) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the municipal workshop situated in Roche Bois, she will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to –

- (a) if same complies with the health and safety requirements;
- (b) if toilet facilities are provided thereat, and
- (c) when the fire extinguisher thereat will be replaced.

Reply: With regard to part (a) of the question, I am informed by the Municipal City Council of Port Louis that a site visit was carried out by officers of the Ministry of Labour and Industrial Relations, Employment and Training on 03 April 2018 whereby a few shortcomings on health and safety issues were highlighted. Accordingly, appropriate remedial measures to enhance health and safety issues thereat have been taken as follows -

- (i) a fire fighting network including fire alarm, fire extinguishers, fire hose reels and heavy duty water pumps have already been installed;
- (ii) action is being initiated for application for a fire certificate;
- (iii) a fire drill exercise has been scheduled for 22 May 2018;
- (iv) bids will be launched for necessary repair works regarding water leakage and nuisance caused by pigeons droppings;
- (v) employees working at the workshop will be sent for medical surveillance, and
- (vi) one mess room is already available and another one is being upgraded.

With regard to part (b) of the question, I am informed that 5 toilets are available and operational.

With regard to part (c) of the question, I am informed that the fire extinguishers have already been serviced and replaced.

BELLE MARE - RECREATION CENTRE - BENEFICIARIES

(No. B/342) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the SSR Recreation Centre at Belle Mare, he will give a list of the beneficiaries thereof, since 2017 to date, indicating the –

- (a) number of rooms available thereat to accommodate the senior citizens, and
- (b) eligibility criteria for access thereto.

Reply: I wish to inform the House that my Ministry provides residential recreation facilities at the Recreation Centre at Belle Mare on a first come first serve basis.

I am informed that there have been 356 Senior Citizens Associations comprising 13,685 members who have been accommodated at the centre since January 2017 up to April 2018. I am tabling the list of Associations and number of beneficiaries therefrom who have been hosted at the centre during that period.

MAURITIUS EMBASSY, WASHINGTON - MR G.M. – HAIR STYLE

(No. B/343) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the case of one Mr G.M. employed at the Mauritius Embassy in Washington who was allegedly asked by the Ambassador to refrain from having his hair worn in dreadlocks style, he will state where matters stand if the clarifications sought from the said Embassy has been obtained and, if so, give details thereof.

(Withdrawn)

DRUGS (SYNTHETIC) - CONSUMPTION

(No. B/344) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to synthetic drugs, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (i) if he is aware of cases of consumption thereof reported at the Brown Sequard Psychiatric or any other hospital and, if so, indicate the age group of the persons concerned therewith, and
- (ii) the measures taken to deal with the trafficking thereof, and
- (b) state if consideration will be given for the introduction in the House of legislation on Synthetic Drug Prevention.

Reply: I am informed by the Commissioner of Police that no case of consumption of synthetic drugs has been reported at Brown Sequard Hospital.

However, a case of consumption of synthetic drugs was reported on 06 April 2018 to the Police at Dr. Jeetoo Hospital, whereby a patient aged 23, had swallowed a drug parcel. Enquiry in this case is in progress.

Regarding part (a) (ii) of the question, I am informed that the measures taken by the Police to deal with trafficking of synthetic drugs are -

- a. Field Intelligence Officers are operating with ADSU teams deployed in all divisions to gather information relating to drug and criminal activities, and undercover Police Officers are trying to infiltrate the drug network to know their mode of operating and any new strategy employed;
- b. intensive surveillance is discreetly maintained over those high profile drug targets and their movements are being closely monitored by the ADSU officers;
- c. the MPF is also focusing on more intelligence led and targeted operations, especially in hot spots/sensitive areas;
- d. more aggressive crackdown operations are being carried out, involving maximum resources particularly in those areas where some inhabitants tend to hamper Police Operations;
- e. discreet watch/follow up actions in hot spots where crack down operations have recently been carried out with a view to ensure that these areas remain drug-free;
- f. the ADSU has increased its commitment to identify, investigate, disrupt and dismantle drug trafficking networks and neutralise those who facilitate them and to bring them to book;
- g. the ADSU has made acquisition of modern equipment such as drones for surveillance, evaluation of topography of specific areas and also for location of areas where cannabis plants have been cultivated;

- h. the ADSU is in the process of acquiring new analytic tool, that is, i2 Note Book for collection of data and analysis purpose;
- i. ADSU is working jointly with other stakeholders such as the Ministry of Health and Quality of Life (Harm Reduction Unit), Ministry of Education and Human Resources, Tertiary Education and Scientific Research and other Non-Governmental Organisations (NGOs) to sensitise youngsters on the ill-effects of substance abuse, and
- j. the Mauritius Police Force is constantly sensitising members of the public on the bad effects and other consequences of drug consumption through social media Facebook page: “Mauritius Police Force”.

With regard to part (b) of the question, I wish to inform the House that the Dangerous Drugs Act 2000 (DDA) was amended on two occasions by way of regulations on 08 October 2013 and 11 September 2015, respectively, with a view to criminalising the consumption of synthetic cannabinoids and its derivatives.

The above two amendments make sufficient provision to address issues related to synthetic drugs. However, given the presence of new versions of synthetic drugs and their different appellations, consideration may be given for having a specific legislation relating to such drugs.

DIABETES - TREATMENT

(No. B/352) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Health and Quality of Life whether, in regard to diabetes, he will state if consideration will be given for –

- (a) a team of doctors of his Ministry to look into the new methods being used in the UK for the successful treatment thereof, and
- (b) the launch of a major campaign for the eradication thereof in Mauritius.

Reply: We are aware that the United Kingdom has a robust and outstanding system in place for provision of care to their patients, especially the diabetes patients. However, the cost implication to provide same level of treatment, in regards to management of complications is high and is met by the National Health Service (NHS), UK.

In Mauritius, the treatment and management of complications with regard to diabetes patients is being looked into by a team comprising hospital Physicians, Surgeons, Diabetologists, Diabetes Specialist Nurses, Community physicians and other allied health professionals.

In April 2018, my Ministry has employed, on contract, a Consultant Diabetologist and Endocrinologist, trained in a world renowned centre of excellence with 18 years' experience in the UK. He is visiting hospitals, Community Health Centres and Area Health Centres, to assess, review and submit proposals with regard to our diabetes management system.

In addition, a Committee has been set up at the level of my Ministry to work on the introduction of new drugs for control of diabetes.

With regard to part (b), the eradication of diabetes is not possible; however, its prevalence can be reduced and contained. As can be seen around the Island, my Ministry has put in place a series of health intervention programmes to contain diabetes as follows -

(i) Mobile Clinic Services

Mobile Clinic Services, also known as '*Caravanes de Santé*', are provided to dispense health education and enhance health promotion programmes, and undertake screening for diabetes, obesity, high blood pressure, vision defect and breast, and cervical cancer.

(ii) NCD Screening Programme

The NCD Screening Programme has reached 48,595 people for the period January to December 2017.

(iii) School Health Programme for Secondary Schools

School Health Programme for Public and Private Secondary Schools for students of Grades 7, 9 and 12: 179 secondary schools have been visited from January to December 2017. Some 39,936 students of Grades 7, 9 and 12 were screened.

(iv) Physical Activity Campaign

22 Health Clubs have been set up around the Island and the programme has been extended to 63 additional centres. 6 Health Tracks and 5 Outdoor Gyms have also been set up.

Furthermore, my Ministry organises workshops, talks, health education and counselling sessions, cooking demonstrations to encourage the public to adopt healthy lifestyle. This sensitisation is also supported by media campaigns.

In order to obtain reliable data on the prevalence of diabetes, surveys are carried out every five years. It is worth noting that Mauritius is one of the few countries in the world to have measured diabetes prevalence systematically over time using standard methods.

My Ministry has taken the necessary steps for the promulgation of the following regulations to better control abuse of alcohol and to encourage tobacco cessation as both alcohol and tobacco are risk factors for NCDs -

- (a) for Alcohol: There are bans on sales to minors, advertising and sponsorship;
- (b) for Tobacco: Control on non-smoking environments, packaging and labelling; and no advertising or sponsorship, health warnings on packages have been put into action;
- (c) Sugar Tax has been introduced;
- (d) to promote healthy eating habit among students from an early age regulations have been promulgated to prohibit sale of *soft drinks* and junk foods in educational institutions.

The measures undertaken by my Ministry have come to fruition as revealed by our survey in 2015 as follows -

- (a) in 2015, for the first time in 30 years, the prevalence of diabetes has stabilised at 22.8% as compared to 2009 survey which was 23.6%;
- (b) the prevalence of pre-diabetes has declined from 24.2% to 19.4% compared to 2009;
- (c) the prevalence of hypertension in Mauritius has improved considerably from 38.0% in 2009 to 28.0% in 2015;
- (d) the prevalence of smoking has slightly decreased from 21.7% in 2009 to 19.3% in 2015;
- (e) an improvement in the percentage of the Mauritian population undertaking sufficient physical activity compared to the 2009 survey, i.e., from 16.5% in 2009 to 23.7% in 2015;
- (f) a decrease in the consumption of alcoholic products from 54.8 million litres to 52.8 million litres has been noted from 2009 to 2015.

To conclude, I will inform Members of the House that, had my Ministry not undertaken the above measures to control the prevalence of diabetes in Mauritius, the result would have been much more alarming.

PLASTIC-EATING BACTERIA – RESEARCH

(No. B/353) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether he will state if he is aware of the existence of a plastic-eating bacteria being used to eliminate plastic and, if so, indicate if consideration will be given for the use thereof in Mauritius.

Reply: In 2016, scientists discovered a new enzyme from a bacterial strain found in sludge samples in Japan. Recently, the enzyme has been metabolically engineered at the University of Portsmouth to produce a mutant enzyme, but this has resulted in an increase of only 20% in the rate of digestion of plastic. As such, there is a need for further research to be carried out prior to any commercialisation.

It has been reported that it will take a while before this innovative technology can be leveraged to decompose the billions of tons of plastic which have been discarded in the environment.

As matters stand presently, this technology is neither a proven one nor available commercially for its application. Communities around the world are eagerly looking forward to the maturation and commercialisation of this technology which holds much hope for the reduction of plastic.

This technology is still at an embryonic stage of development and further research is required to mature it with a view to making it a conclusive solution to eliminate plastic in an effective way.

At this stage, it would, therefore, not be a wise course of action to import a non-proven technology for application in Mauritius.

POLICE OFFICERS - UNIFORMS

(No. B/355) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Police Officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to when uniforms were last provided thereto, indicating if necessary procedures have been initiated to ensure that they are provided with winter uniforms.

Reply: I am informed by the Commissioner of Police that Police uniform comprises several items and includes shirts, trousers, shoes and socks. These items are usually issued on a yearly basis to all Police Officers.

For the current Financial Year 2017/18, uniforms have been issued as follows -

- Trousers and Shirts (short & long sleeves) - Between December 2017 and March 2018.
- Shoes and Socks - Between January and April 2018.

As regards uniform for winter, Police Officers are issued with one cardigan, which is a woolen pullover with long sleeves, every three years. Cardigan was last issued between June and September 2017.

SHELTERS FOR CHILDREN IN DISTRESS - MANAGEMENT SERVICES CONTRACT

(No. B/356) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the shelters run under the Management Services Contract, she will state the total sum disbursed in respect thereof for the years 2015, 2016 and 2017 respectively, indicating the actions being taken to ensure that the Shelter Managers abide by the provisions of contract.

Reply: I am informed that four shelters for children in distress managed by Non-Governmental Organisations under a Management Services Contract, following a bidding exercise by my Ministry, were operational during the period 2015, 2016 and 2017.

The contract of one of the shelters was terminated on 22 August 2017 following 30 days' notice given to the Service Provider. A second Service Provider ceased its operations with effect from 01 January 2018 after duly notifying my Ministry. In the first case because of complaints received and the second, because a number of issues reported on the quality of services dispensed by the NGO and also upon request from the NGO to discontinue its services to the Ministry.

As from January 2018, only two Shelters under Management Services Contract are operational.

The total sum disbursed for Management Services of the four Shelters for period 2015-2017 is as follows –

Year	Total Sum Disbursed
2015	Rs15,697,981.36
2016	Rs15,813,622.49
2017	Rs12,524,474.80

As regards actions taken, regular monitoring visits are effected by officers of my Ministry to ensure that the Shelter Managers abide by the provisions of the contract. During visits, the officers ensure that the provisions in the tender documents as well as the Memorandum of Understanding (MoU) signed between the Service Providers and my Ministry are complied with. Any shortcomings are brought to the attention of the Shelter Managers for remedial action.

Independent surprise checks are also being carried out by the Accommodation Unit and the Internal Control Unit of my Ministry.

It is to be highlighted that in case of non-compliance with the provisions of the MoU, the Ministry can resort to cancellation of the contract by giving the Service Providers one month notice.

LABOUR DAY 2018 – BUS SERVICE

(No. B/358) Mr S. Baboo (Third Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to the number of buses thereof put at the disposal of political parties on 01 May 2018, indicating the measures taken to ensure the efficient provision of bus services to the usual passengers on its routes on the said day.

Reply: I have been informed by the National Transport Corporation that, as is the case every year, upon their request for Labour Day 2018, a total of 360 buses were put at the disposal of two political parties and one Trade Union Federation.

In order to ensure efficient provision of bus services on the normal routes, the Traffic Department of the NTC ensured that usual passengers served by the NTC are not penalised. Accordingly, the number of buses that were hired were respectively taken from the five NTC Regional Offices (commonly known as Depots) to ply on NTC routes in order not to cause inconvenience to passengers.

I am informed that Traffic Officers of the NTC carried out regular checks to ensure that the service was smoothly delivered and no official complaints were received from passengers regarding bus services on Labour Day.

This Labour Day, the NTC operated 111 buses on its normal routes in addition to the 360 buses put at the disposal of political parties and one Trade Union Federation.

It is to be pointed out that on public holidays, ridership on buses is reduced considerably. Generally, on a normal public holiday, 232 buses are deployed on all routes. On Labour Day, the trend of deployment of buses on all routes is 50% of that deployed on a normal public holiday. As such, the NTC planned its operations according to demand and at the same time ensuring an efficient service.