

Debate No. 24

Oral Answers to Questions - 08 April 2003

MCB – ASSISTANT GENERAL MANAGER – ARREST, DETENTION, RELEASE, ETC

The Leader of the Opposition (Dr. N. Ramgoolam) (By Private Notice) asked the Prime Minister and Minister of Defence and Home Affairs whether, in regard to the arrest of the Assistant General Manager of the Mauritius Commercial Bank Ltd., he will, for the benefit of the House –

(a) ascertain the circumstances of his arrest, detention and release;

(b) table photocopies of all entries of the Diary Book and of the Occurrence Book relating to the above, and

(c) ascertain when and why –

(i) the hon. Acting Prime Minister sought legal advice regarding ICAC's powers of arrest and lodging of charge/information, and

(ii) the Commissioner of Police issued administrative orders not to effect any arrest or lodge any charge/information without being so ordered by him.

The Prime Minister: Mr Deputy, Speaker, Sir, as the House is aware, the ICAC has for some time now been investigating into the MCB/NPF case, and has been interrogating a number of persons in connection therewith.

I have been informed by the Commissioner of Police that, as regards part (a) the Assistant General Manager of the Mauritius Commercial Bank Ltd was arrested by Police officers posted to the ICAC on 23 June 2003 at 19 30 hours on a provisional charge of failing to report a suspicious transaction in breach of Section 19(1)(a) of the Financial Intelligence and Anti Money Laundering Act. He was referred to La Tour Koenig Police Station for detention. At 20 43 hours on the same day, counsel for detainee

contacted the Commissioner of Police on the phone and made a request for his release on Police parole on the following grounds-

(i) the professional status of the detainee;

(ii) there was no risk of detainee absconding as he was already collaborating with the investigators;

(iii) the likely serious ramifications for the country's financial institutions;

(iv) counsel undertook personally to bring him to the investigators the next morning for Court procedures.

At 21 15 hours, on the same day the Commissioner of Police granted the request using his discretionary powers and issued necessary instructions for the release of detainee on parole after a firm undertaking from counsel that detainee would make himself available for Court appearance. He was released at 21 20 hours.

In granting the request, the Commissioner of Police satisfied himself that there was no risk of the detainee interfering with any witnesses or destroying any evidence.

With regard to part (b), I am tabling certified photocopies of the relevant extracts made in La Tour Koenig Police Station diary book. No entry was inserted in the Occurrence Book regarding the detention of the detainee as the case was not inquired into by the Police. Nevertheless relevant entries were inserted in the Diary Book.

As far as part (c) (i) is concerned, I am informed that the Ag. Prime Minister did not seek advice regarding ICAC powers of arrest, because the law is clear and there have been two judgments of the Supreme Court which have clarified matters further to the effect that ICAC, apart from certain specific cases as provided under Section 53 of the Prevention of Corruption Act, has no power of arrest. ICAC must have recourse to a Police Officer who remains at all times under the authority and command of the Commissioner of Police.

Legal advice was sought on 26 June in connection with the power of ICAC for lodging provisional charges against anybody under Section 82(2) of the Prevention of Corruption Act or any other legislation.

The advice given is that no mention is made in Section 82 of the Prevention of Corruption Act, regarding the lodging of a provisional information, but that, as in the case of arrest, Police Officers posted to ICAC have the power to lodge a provisional charge or information. In the Administrative Orders issued, the Commissioner of

Police has also instructed Police Officers posted to ICAC not to lodge any provisional charge or information unless instructed to do so by the Commissioner of Police.

As regards part (c) (ii), the Commissioner of Police has issued administrative orders on 27 June providing guidance to Police officers posted to the ICAC regarding powers of arrest and the procedures to be followed for arrest, detention and lodging of provisional charge.

I am further informed by the Commissioner of Police that such administrative orders and guidance are necessary to clear some confusion arising from the existence of two distinct categories of Police officers at ICAC as explained below-

(i) Police officers who have been granted leave without pay to take up employment on contract with the ICAC are referred to as ICAC officers and do not have Police powers of arrest while serving with ICAC. In fact, ICAC officers have no powers of arrest other than those provided under Section 53 of the Prevention of Corruption Act 2002.

(ii) Police officers who are on attachment to ICAC are still under the operational and administrative control of the Commissioner of Police and have retained their Police powers of arrest. These officers have been reminded by the Commissioner of Police that while performing the duties at ICAC, they must strictly abide by Police Standing Orders and other instructions and guidance issued by way of Commissioner of Police circulars to the Force.

It, therefore, stands to reason that no arrest can be effected by any Police officer posted to ICAC unless it has been instructed by the Commissioner of Police.

Dr. Ramgoolam: Mr Deputy Speaker, Sir, I want to make it quite clear that we are not saying that what ICAC did was right or wrong, because every arrest – I am sure the Rt. hon. Prime would agree – includes some deprivation of liberty and no person should be arrested without substantial cause. Is he, therefore, saying that when the Assistant General Manager was arrested and detained, the causes were flimsy then? Why was he arrested and detained?

The Prime Minister: He was arrested because there was a charge, and that, according to the ICAC, there was a case against him.

Dr. Ramgoolam: There must have been reasonable grounds to arrest him, and that charge being lodged. So, why is it that, after interference by the lawyer, the Commissioner of Police thought that he could, therefore, override this and ask for his release?

The Prime Minister: As I have explained in my reply, the counsel did his duty. It is the duty of a counsel to get his client out. The Commissioner of Police was convinced that nothing wrong was going to take place, he used his discretion and released him on parole, and that's what has taken place.

Dr. Ramgoolam: Is there any circumstance when a Police Officer can arrest or lodge an information only upon the orders of the Commissioner of Police? Are there any such circumstances?

The Prime Minister: In this case, the Police Officers must act under the instructions or the orders of the Commissioner of Police.

Dr. Ramgoolam: I am not talking about this case. I am asking whether there are any other circumstances when a Police Officer can arrest or lodge an information only upon the orders of the Commissioner of Police.

The Prime Minister: I don't know of any other circumstances. I am concerned with this one, and this is the position in this case.

Dr. Ramgoolam: There are no other circumstances. So, why is there an exception in this case?

The Prime Minister: I am not saying that there are exceptional circumstances. The reasons put forward by counsel convinced the Commissioner of Police. I am not in the shoes of the Commissioner of Police.

Dr. Ramgoolam: I am not talking about counsel here. I am asking whether there is any other circumstance where a Police Officer can only arrest or lodge an information upon the orders of the Commissioner of Police.

The Prime Minister: They always remain under the authority of the Commissioner of Police, and they act under his authority. This is the law.

Dr. Ramgoolam: The Prime Minister is not understanding the question.

The Prime Minister: Maybe I am not.

Dr. Ramgoolam: Maybe, he is pretending. I hardly think that a QC and a man of his experience does not understand, but I will try to phrase my question differently. Is there any circumstance where a Police Officer can arrest or lodge an information and do that only upon orders of the Commissioner of Police? Normally, a Police Officer can lodge an information or can arrest a person. He does not have to go and see the Commissioner of Police every time he wants to arrest a person or lodge an information.

The Prime Minister: He does not have to see the Commissioner of Police every time, but there is the authority and he is acting under his authority.

Dr. Ramgoolam: In that case, can I ask the hon. Prime Minister by whom the arrest of the Assistant General Manager was ordered?

The Prime Minister: By the Commissioner of Police.

Dr. Ramgoolam: So, why did he order the arrest of the person? He must have had all the facts in front of him before arresting the person.

The Prime Minister: I presume that, if he allowed the person to be arrested, he must have been satisfied.

Dr. Ramgoolam: So, he must have been satisfied. As I said, no person should be arrested without reasonable cause. Why is it then, a few hours later, upon the interference of the barrister, he changed his mind?

The Prime Minister: I explained why.

Dr. Ramgoolam: The Prime Minister has not.

The Prime Minister: The counsel convinced him otherwise.

(Interruptions)

The Deputy Speaker: Hon. Dr. Boolell, please do not make comments from a sitting position. I am drawing your attention to this.

(Interruptions)

Hon. Soodhun, please!

Dr. Boolell: On a point of order...

The Deputy Speaker: Hon. Dr. Boolell, take your seat, please. Hon. Leader of the Opposition, the Rt. hon. Prime Minister has replied to your question.

Dr. Boolell: On a point of order, Mr Deputy Speaker, Sir. I want to know whether you take orders from the hon. Minister.

(Interruptions)

I will point at him!

The Deputy Speaker: Hon. Dr. Boolell, so long as you don't make comments from a sitting position, the House will be in order.

(Interruptions)

Hon. Dr. Boolell! Hon. Paya, I am drawing your attention.

Dr. Ramgoolam: Does not the Prime Minister think that this smacks of giving directions to the Commissioner of Police to release the suspect?

The Prime Minister: Who would give directions?

Dr. Ramgoolam: Obviously, The Prime Minister said – if you allow me to explain – that upon the orders of the Commissioner of Police the gentleman was arrested. Then, he said that the counsel managed to convince him that the gentleman should be released, that there was no ground. Does not that smack of giving instructions to the Commissioner of Police?

The Prime Minister: I have no reason to believe that there was anything else that has taken place. I have said very clearly that the counsel intervened, the Commissioner of Police thought it was correct that he might be released, and he released him.

Dr. Ramgoolam: Can I ask whether counsel did not talk to the Commissioner of Police when Minister Choonee was arrested and made to stay in jail for one night?

The Prime Minister: I have not looked into the case of Mr Choonee.

The Deputy Speaker: We are not referring to the case of hon. Choonee here.

Dr. Ramgoolam: I am referring to ICAC, and the powers of arrest of Police Officers, and there have been similar facts. I have the right to ask questions. So, was this done in the case of hon. Choonee?

The Prime Minister: I need notice of that question. Then, I will look at the file and get the information.

Dr. Ramgoolam: What about the case of Mr Robert Lesage and that of Mrs Rojoo? Was there any such access to the Commissioner of Police? I don't think that hon. Choonee was about to leave the country or was going to do anything else. Maybe, the Prime Minister knows he was, but I don't think he was. Was there any such démarche made, to get him out of jail, or even Mr Robert Lesage and Mrs Rojoo?

The Prime Minister: I cannot answer, because I have not looked into the other cases.

Dr. Ramgoolam: Therefore, the Rt. hon. Prime Minister is saying that, if somebody is arrested tomorrow, it is easy to have access to the Commissioner of Police and then convince him to release a suspect.

The Prime Minister: As counsel, I have done it so many times myself in my career. Hon. Dulloo knows better than I.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether the Assistant General Manager of the MCB was released in conformity with the Bail Act?

The Prime Minister: Yes, I understand so.

Mr Dulloo: From the document laid on the Table about the diary book of Police Station concerned, entry 169, I see that –

"Mr Goolamgoss, ACP, phoned and stated that he had received instructions from the Commissioner of Police to release Mr Philippe Alain Forget on parole and to warn him to appear Port Louis Division 2, tomorrow, 24 June 2003, at 9.30 hrs for bail formalities".

May I ask the Rt. hon. Prime Minister whether he should not have been asked to report to the inquiring officers or to the Station where his arrest has been effected and not to the Court?

The Prime Minister: The whole purpose was to bail him out. So, going to ICAC or going to court makes no difference.

Mr Dulloo: I listened well to the Rt. hon. Prime Minister. He spelt out the law correctly when at the beginning he said that the instruction was to report to the investigators next morning for the procedure. Whereas he was not asked to report to the investigators nor did he report to them; he actually went to court. So, this is wrong as far as the Bail Act is concerned.

The Prime Minister: I cannot pronounce on that, but the whole purpose was to bail him out and he was bailed out in court.

Mr Dulloo: Sir, from what the Rt. hon. Prime Minister has said and from the statement made by the Ag. Prime Minister last week, may I ask the Rt. hon. Prime Minister whether ICAC has now to act under the supervision and order of the Commissioner of Police, especially for the arrest of a suspect and for the swearing of an information, including provisional information?

The Prime Minister: Well, I have explained in the answer that the Police officers posted there have to act under the instructions of the Commissioner of Police.

Dr. Ramgoolam: Following on that question, does he feel therefore, now, that ICAC will not be able to lodge any provisional charge or ask for the arrest of a person? They have to go to the Commissioner of Police from now onwards.

The Prime Minister: According to law it has always been so, not now.

Dr. Ramgoolam: The Rt. hon. Prime Minister rightly said that the law clearly says in Section 53 that there are occasions where the arrest of the person can be done without the Commissioner of Police. Is he now saying that this is superseded? Every time the Commissioner of Police has to give his authority so that a person can be arrested.

The Prime Minister: Certainly not, it is only where they have to act under the instructions of the Commissioner of Police. Where the law provides that they can act on their own, they are fully justified to do so.

Dr. Ramgoolam: In the first place, when the Assistant General Manager was arrested was it not under the instruction of the Police?

The Prime Minister: Well, I have said so.

Dr. Ramgoolam: So, the Prime Minister is making a mockery of this! The Commissioner of Police arrested him, gave instructions and then two hours later, after his talks to counsel he releases him. Therefore, is he not saying that the Commissioner of Police has become a marionette in the hands of people who are in Government? That is what he is saying.

The Prime Minister: No, it is a question of power of persuasion of counsel.

Dr. Ramgoolam: Is there not a contradiction with Section 71 (4) of the Constitution which clearly says that the Commissioner of Police does not take instructions from anybody? Here, clearly he has.

The Prime Minister: Somebody must go to the Supreme Court to get a decision on that.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether there was a telephone conversation between the Commissioner of Police and the Ag. Prime Minister in the evening of the arrest of Mr Philippe Forget concerning his arrest and, if so, when and what was the substance of the conversation?

The Prime Minister: I am not aware of that.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether it is a fact that the administrative orders have clearly said that those officers should not effect any arrest unless ordered to do so by the Commissioner of Police and that they should not lodge any provisional charge or information unless ordered to do so by the Commissioner of Police? This is clearly in contravention of the Prevention of Corruption Act which gives such powers to those officers as instructed or ordered by the Commissioner of ICAC.

The Prime Minister: I am afraid I do not agree with the hon. Member. In my answer I made it very clear what are their powers, how they should act and how they should exercise their powers?

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether he is aware that those officers who have been appointed in the Corruption Investigation Division, that is, the Director, the Assistant Director and all the other officers involved in the arrest are now employed in a substantive capacity by the ICAC and they are no longer officers acting under the supervision of the Commissioner of Police?

(Interruptions)

The Deputy Speaker: Order, please!

The Prime Minister: There are two classes of officers. One class is the ICAC officers....

(Interruptions)

The Deputy Speaker: Hon. Boolell. Listen to the answer!

The Prime Minister:... and they are no longer under the authority of the Commissioner of Police. Others who have been seconded as Police Officers act under his authority and consultations must go on between them and the Commissioner of Police.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether right now there is a conflict between the Commissioner of ICAC and the Commissioner of Police in the exercise of their powers, including the powers of arrest and powers to lodge information before our court of law?

The Prime Minister: That should be asked to the Commissioner of ICAC.

Mr Duval: May I ask the hon. Prime Minister whether he does not think that it would be advisable - since justice must be just and must be seen to be equal - for the private phone nos. of the Police Commissioner to be distributed to all lawyers so that they can also avail themselves of this facility of calling the Commissioner of Police at any time to convince him of the necessity of releasing just and justified cases of people held in Police cells?

The Prime Minister: I'll convey that to the Commissioner of Police.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether in view of the prevailing situation, Government has decided to disband and close down ICAC in the same manner as the ECO was disbanded and closed down?

The Prime Minister: It is not to my knowledge at all.

Dr. Ramgoolam: Can I ask the Rt. hon. Prime Minister whether he is aware that the Assistant General Manager of the MCB Ltd. challenged the legal validity of his arrest at all? I mean he was arrested, he felt that he was unfairly being arrested and all this, therefore it was open to him to challenge the validity of his arrest. Did he challenge it?

The Prime Minister: Well, I do not know whether he is challenging that. I was not present in court; I do not appear for him.

Dr. Ramgoolam: If the aggrieved party himself had not challenged the legal validity of his arrest, why did Government have to seek the advice of the SLO and ask the Commissioner of Police to issue administrative measures and guidance? Why?

The Prime Minister: Well, I have already answered that in the answer I gave.

Dr. Ramgoolam: It is obvious that if the person who is aggrieved himself does not feel that he has to challenge the validity of his arrest, Government takes over and asks the Commissioner of Police through counsel...

(Interruptions)

... it is clear; that is why I am asking the question. Would he say that this is normal, therefore?

The Prime Minister: I explained why advice was sought. That's all.

Mr Hurnam: Mr Deputy Speaker, under section 24 (5) (b) it is stated - "The Commission may, for the purpose of this Act, make use of the services of a Police officer or other Police officer designated for that purpose..."

That is, the purpose of the Prevention of Corruption Act. Since there is presently some confusion about this aspect of the provision, would the Rt. hon. Prime Minister consider bringing an amendment to this legislation?

The Prime Minister: I will look into that.

Dr. Ramgoolam: As regards the statement about new orders and guidelines given by the Commissioner of Police, does he not think that it is a serious attack against ICAC? I am saying that because you have the Commissioner of ICAC who is an ex-Solicitor-General and who has also acted as DPP; you have a Deputy Commissioner who has also been a Legal Secretary. These people will have to go and ask the Commissioner of Police for authorisation to be able to lodge even an information. Is that normal?

The Prime Minister: The hon. Leader of the Opposition was here, he could have raised it during the debate.

Dr. Ramgoolam: The hon. Prime Minister has not read section 53 then; he has not read the law. Because it is clear now that instructions must be taken from the Commissioner of Police. That wasn't the case before, that is why I am asking him.

The Prime Minister: That has always been like this, Mr Deputy Speaker, Sir.

Mr Dulloo: As matters stand now, it is only those Police Officers who are posted at ICAC or those Police Officers who have been appointed in a substantive capacity at ICAC that can lodge information normally. Therefore, may I ask him whether that all information that would have to be lodged by ICAC is to be ordered by the Commissioner of Police and this would be in contradiction with the powers given to ICAC under section 82?

The Prime Minister: Mr Deputy Speaker, Sir, there are two categories of officers.

The Deputy Speaker: The Prime Minister has already answered the question.

The Prime Minister: Those who are seconded for duty, who are acting under the authority, they can lodge the information and this is what was done in this case.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether he would confirm that it were officers of ICAC who went to see the Commissioner of Police for the arrest and detention of Mr Philippe Forget and it was so decided that he should be kept at La Tour Koenig and that he should report to the investigators the next morning.

The Prime Minister: Police Officers who have been seconded for duty who came to see the Commissioner of Police, they might have been accompanied by other officers, I don't know.

Mr Dulloo: Was it Mr Jootun, Assistant Director Investigation and Mr Bhadain, Director Investigation who went to see the Commissioner of Police about the arrest?

The Prime Minister: If they went, they must have accompanied Police Officers.

Dr. Ramgoolam: May I ask the Prime Minister whether there has been any complaint made by any Police Officer against Counsel?

The Prime Minister: No, I am not aware.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether during the meeting of the Assistant Director (Investigation) and the Director of Investigation with the Commissioner of Police it was decided that both Mr Philippe Forget and Pierre Guy Noël should be arrested in connection with offences committed?

The Prime Minister: I don't know about Pierre Guy Noël, but about Mr Forget, I have already answered. The Commissioner of Police agreed that he should be arrested.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether it was actually the Ag. Prime Minister who ordered the Commissioner of Police to have Mr Philippe Forget released?

The Prime Minister: I have already answered. I am not aware of this.

Dr. Ramgoolam: It is clearly reported how the Deputy Prime Minister talked to Counsel and Counsel was answering: oui, Paul. I don't think Paul was the Commissioner of Police unless he is called Paul Gopalsing. I don't know. I have two questions, Mr Deputy Speaker, Sir. Can I ask the Prime Minister whether this is not blatant interference on the powers of the Commissioner of Police who has obviously listened to what has been told to him and then acted accordingly?

The Prime Minister: I did not hear any phone conversation.

Dr. Ramgoolam: Now that he is saying that new administrative guidelines have been given, that new orders have been given, does he think that ICAC will be able to fight fraud and corruption as it was intended to?

The Prime Minister: All the means that have been given to ICAC in the law must be used and they must go strictly according to the law. They can't go outside the law.

The Deputy Speaker: Time is up. Questions addressed to Prime Minister.

PRISONS - IMPRISONED MOTHERS - CHILDREN

(No. B/432) Mr M. Dowarkasing (Third Member for Curepipe and Midlands) asked the Prime Minister, Minister of Defence and Home Affairs and Minister of External Communications whether he will, for the benefit of the House, ascertain -

- (a) the number of children living in the prisons as a result of the imprisonment of their parent/s; and
- (b) the actions taken to ensure that these children are attending school.

The Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Commissioner of Prisons that presently there are seven children living in the prisons along with their respective mothers.

As regards part (b) of the question, I am informed that one child is attending the Beau-Bassin/Rose-Hill Municipal Pre-primary School since 28 April 2003. The other six are under three years old and attend the Mother and Baby Care Unit at the Women Prison. Arrangements have been made for them to attend the Municipal Pre-primary School once they reach the age of three.

PRIVATE TELEVISION BROADCASTING - MCA - CHANNEL

(No. B/433) Mr M. Chumroo (First Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs and Minister of External Communications whether, in regard to private television broadcasting, he will, for the benefit of the House, ascertain when it will be launched and indicate if a channel will be allocated to the MCA for educational purposes and, if so, whether provision has been made for a fully comprehensive 24-hour educational programme.

The Prime Minister: Mr Deputy Speaker, Sir, I am informed that the present analogue system utilised for terrestrial broadcasting does not offer any scope for further expansion. The broadcast spectrum presently allows for five TV channels - three of which are being used by MBC and two by MC vision, i.e Canal Plus and RTL 9. The allocation of a channel for private television is not possible at this stage.

However, consideration is being given to the introduction of digital broadcasting which will provide additional TV channels. The allocation of a dedicated channel for educational programmes may then be considered.

Mr Dulloo: May I ask the Rt. hon. Prime Minister whether there can be an arrangement or we can ascertain that a particular channel would devote certain fixed hours for this type of programme so that people can organise themselves for viewing accordingly?

The Prime Minister: We may try to suggest that to the MBC.

(1) RUISSEAU GRAYFISH - REHABILITATION

(2) TERRE ROUGE - ROADS - TARRING

(No. B/434) Mr D. Hurnam (Third Member for Pamplémousses and Triolet) asked the Minister of Local Government and Rodrigues and Minister of Housing and Lands whether the rehabilitation of Ruisseau Grayfish and the retarring of the roads in the immediate vicinity of Terre Rouge have been envisaged and, if so, will he make a statement thereon.

Mr Lesjongard: Mr Deputy Speaker, Sir, I am informed by the Pamplémousses/Rivière du Rempart District Council that there is presently no plan to rehabilitate the Ruisseau Grayfish area.

As regards the retarring of the roads in the immediate vicinity of Terre Rouge, I am advised that the District Council will include this area in its programme of road works for the next financial year.

TERRE ROUGE - CAPITAL PROJECTS

(No. B/435) Mr D. Hurnam (Third Member for Pamplemousses and Triolet) asked the Minister of Local Government and Rodrigues and Minister of Housing and Lands whether he will, for the benefit of the House, obtain information as to the number of capital projects earmarked by the Pamplemousses/Rivière du Rempart District Council that have been achieved for the area falling within the jurisdiction of Terre Rouge Village Council ever since 05 August 2002.

Mr Lesjongard: Mr Deputy Speaker, Sir, I am informed by the Pamplemousses/Rivière du Rempart District Council that insofar as the implementation of capital projects for the area falling within the jurisdiction of Terre Rouge Village Council for the period of 05 August 2002 to date is concerned, only the project for fencing and uplifting of the open space opposite the Terre Rouge Village Hall has been implemented.

TROU AUX BICHES - STREET LIGHTING

(No. B/436) Mr D. Hurnam (Third Member for Pamplemousses and Triolet) asked the Minister of Local Government and Rodrigues and Minister of Housing and Lands whether, with a view to preventing all kinds of larcenies perpetrated at night, he will arrange for adequate and proper street lightings to be provided in Trou aux Biches, more particularly in Morcellements Ramdane and Les Mascareignes, and whether he will make a statement thereon.

Mr Lesjongard: Mr Deputy Speaker, Sir, I am informed by the Pamplemousses-Rivière du Rempart District Council that four hundred sodium vapour lamps have already been acquired, out of which one hundred will be fixed by next month in the Pointe aux Piments Village Council area which includes Morcellement Ramdane and Les Mascareignes.

LA TOUR KOENIG - UPGRADING OF ENVIRONMENT

(No. B/437) Mr J. C. Barbier (First Member for GRNW and Port Louis West) asked the Minister of Environment whether he is contemplating the advisability of having a project for the upgrading of the environment at La Tour Koenig and, if so, will he make a statement thereon.

The Minister of Public Utilities (Mr A. Ganoo): Sir, the Ministry of Environment has a programme to implement projects for the upgrading of the environment in NHDC housing estates.

A project has already been undertaken at Camp Levieux NHDC and other projects will be implemented soon at other NHDC complexes, including La Tour Koenig.

At La Tour Koenig, it is also envisaged to cover other areas apart from the NHDC complex itself. A meeting will be convened with all the relevant stakeholders, including the Municipality of Port Louis to this effect.

Mr Barbier: Can the Minister inform the House whether there is a time frame for starting the project?

Mr Ganoo: No specific time frame has been mentioned, Mr Deputy Speaker, Sir, but I will see to it that the needful is done as early as possible.

Mr Barbier: Can the Minister advise the substantive Minister to convene a meeting with all the parties concerned, including the Municipality of Port Louis so that he may accelerate the projects at La Tour Koenig?

Mr Ganoo: I'll certainly do that, Mr Deputy Speaker, Sir.

PLAINE LAUZUN - BUS SERVICE

(No. B/438) Mr J. C. Barbier (First Member for GRNW and Port Louis West) asked the Minister of Public Infrastructure, Land Transport and Shipping whether he is aware that after 6.30 p.m., buses coming from Port Louis to Plaines Wilhems do not stop at Plaine Lauzun bus traffic centre, thereby causing much difficulty to workers on overtime till 7.00 p.m. and, if so, will he take corrective measures.

Mr Bachoo: Sir, it is a fact that occasionally a few irresponsible bus crews skip the Plaine Lauzun bus station while performing their last trips towards Plaines Wilhems.

I am informed by the National Transport Authority that this matter has been taken up with all the bus operators concerned and they have been requested to instruct their crews to comply with the itinerary of the route and also to ensure that instructions are strictly observed.

Recent checks carried out during the last month on six occasions between 6 p.m. and 7 p.m. have revealed that buses are entering the Plaine Lauzun bus station.

The National Transport Authority will continue monitoring the situation.

GOLF COURSES

(No. B/439) Mr M. Dowarkasing (Third Member for Curepipe and Midlands) asked the Minister of Environment whether in regard to golf courses, he will state -

- (a) the number that already exists and the number that will be set up, indicating their respective locations in each case;
- (b) whether a study has been carried out to assess their impact on the environment;
- (c) the number of tonnes of pesticides that will be used yearly according to the EIA licence, and
- (d) the quantity of water needed to maintain these golf courses.

The Minister of Public Utilities (Mr A. Ganoo): Sir, with regard to part (a), at present there are five 9- hole golf courses located at -

- (1) St Géran
- (2) Trou aux Biches
- (3) Maritim
- (4) Shandrani
- (5) Dodo Club

In addition there are four 18-hole golf courses situated at Vacoas, Le Morne, and two at Belle Mare. A fifth one is under construction on Ile aux Cerfs.

It is proposed to set up a golf course to service hotels in the Bel Ombre Integrated Project. As a part of the Integrated Resort Scheme, the Board of Investment has a letter of comfort for 3 golf courses in the region of Medine, Le Morne and Beau Champ.

With regard to part (b), a study on the Golf Development Strategy for Mauritius, commissioned by the Ministry of Tourism and Leisure was carried by Sustainable Golf Developments, a European-based firm. One of the main objectives of the study was to provide guidance on the general impacts of golf course on the environment. The consultant has stated that

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(Mr Ganoo ctd....)

contrary to popular belief, golf courses are environmentally compatible and that the amount of fertilisers and pesticides are less than that used in the agricultural sector. Turfgrass is, in fact, a biological filter. The grass and upper soil layers absorb and degrade the nutrients and chemicals thereby minimising the risk of leaching. Golf courses thus represent negligible threats to the groundwater system. Contrary to agriculture whose aim is to maximise yield, golf course management aims at controlling growth to a consistent level.

As regards to part (c), Sir, the study on the golf development strategy for Mauritius has indicated that the input of pesticides on golf course is significantly less than in agricultural uses, both in sugar cane and other crops. A comparison of the annual pesticides consumption over a surface of 100 hectares indicate a figure of 1220 kg for sugar cane and 650 kg for a golf course.

In Mauritius, therefore, pesticides may not be a priori applied systematically as the grass types to be grown on the play area have not so far been the object of pest attacks or diseases recorded by the MSIRI.

Control strategies aim at minimal environmental impact such as -

Biological methods including use of natural pest enemies;
Chemical control is used as an ultimate means when the other methods prove inadequate

With regard to part (d), the quantity of water to be applied would be dependent on the following factors -

- (a) region, seasonal climate, soil conditions, evaporation, rainfall, etc.
- (b) normally, an average of 6 mm of water per square metre is required for greens and on fairways and the same application is required every 3 days.

Mr Dowarkasing: Can I ask the hon. Minister whether he can table a copy of the study that was carried out with respect to the golf courses?

Mr Ganoo: I understand that the report is already public, but I have no problem in tabling a copy. I will arrange for the needful to be done.

Dr. Chady: With regard to the treatment normally applied to golf courses all over the world, especially the 18 holes golf courses, the water is normally treated before being disposed of. The Minister is saying that there is a comparative study between agricultural sugar cane and the grass that is used for golf courses. Worldwide it

is known that pesticide is being used for golf courses and the water treated before it is disposed of. Why is it not so in this case?

Mr Ganoo: I understand that, in certain cases, as in the Ile aux Cerfs Golf Course project, Mr Deputy Speaker, Sir, the construction of a treatment plant was recommended and this plant has been completed. To come back to the question generally, I did mention the recommendations of this report. Generally, according to the consultant, golf courses are compatible with the environment and the amount of fertilisers and pesticides is less than that applied in the agricultural sector, as I said.

Dr. Chady: Would it not be of a certain benefit to the environment if each and every golf course has a treatment plant to treat the water before it is disposed of according to the EIA licence?

Mr Ganoo: I repeat Sir. In the case of Ile aux Cerfs, the authorities came up with the recommendation of a treatment plant. I suppose in other cases also, before granting the EIA licence, the same recommendation will be made.

PRIVATE TERTIARY EDUCATION

(No. B/440) Mr M. Chumroo (First Member for Port Louis North and Montagne Longue) asked the Minister of Education and Scientific Research whether Government proposes to encourage private tertiary education and, if so, whether his Ministry has proposed any incentive for Mauritians to launch such enterprises in partnership with foreign universities and whether he will give the number of requests received so far in connection therewith, indicating their outcome.

Mr Obeegadoo: Sir, the Ministry of Education is fully conscious of the need to rapidly expand access to Tertiary Education in Mauritius in order to meet the economic and social challenges of the future. While it is universally acknowledged that education and training represent the most powerful engine of growth and development, it is a matter of concern that the tertiary participation rate (defined as the total number of persons enrolled on a tertiary level programme as a percentage of the number of persons in the age group 19 to 24) is only of 16%. In comparison, the tertiary participation rate for the newly industrialised countries of East Asia is 35% on average.

Despite the rapid expansion in the supply of seats and significant broadening of the spectrum of courses on offer in our two public universities, it is obvious that the State alone cannot meet actual and projected demand.

Accordingly, over the last decade, a number of institutions, both local and foreign, offering courses or tutoring at tertiary level, have come into operation. Some of these are premised on a partnership between locals and foreign tertiary institutions. According to information provided to me, four such requests, that is, requests made by partnerships of local and foreign tertiary institutions have been received in the recent past, of which three have already been considered and two approved.

Sir, in parallel to efforts to meet local demand, we shall increasingly have to position our country as a regional provider of educational services especially at tertiary level. Accordingly, the need to promote the development of a knowledge industry with a regional dimension holds a prominent place in our plans for the future.

The hon. gentleman may wish to note that ongoing preparation for reforms at tertiary level include a regulatory framework to promote quality assurance with respect to private providers and incitative measures to encourage further initiatives relating to provision of tertiary level educational services.

Mr Chumroo: May I know what are the incentives offered to those who have already been given authority to operate?

Mr Obeegadoo: The Ministry of Education does not provide incentives, Sir. I said that within the perspective of the White Paper, which is presently under study, there are different matters being considered, one of which is the incitative measures for the development of the knowledge industry.

Mr Chumroo: What are the incitative measures that the hon. Minister is talking of?

Mr Obeegadoo: I repeat, that is under consideration and should the hon. gentleman have any bright ideas, we should be quite happy to consider and accommodate, as far as possible, those ideas.

CONSTITUTION OF THE AFRICAN UNION - SENEGAL - AMENDMENT

(No. B/441) Mr J. C. Armance (Third Member for GRNW and Port Louis West) asked the Minister of Foreign Affairs and Regional Cooperation whether he will lay copy of the amendment of Senegal to the Constitution of the African Union concerning the African diaspora and state the stand of Mauritius in regard thereto, indicating whether that amendment has been discussed and approved.

Mr Gayan: Mr Speaker, Sir, a copy of the amendment of Senegal to the Constitutive Act of the African Union concerning the African diaspora is included in my reply.

As the Assembly is aware the African Union was launched on 09 July 2002 during the Durban Summit in South Africa. It is the Constitutive Act of the African Union which governs relations among all Member States.

During the Durban Summit, it was decided that all proposed amendments to the Articles of the Constitutive Act of the African Union would first be examined by the Executive Council (in accordance with Article 32 of the Constitutive Act) and submitted for consideration by an Extraordinary Session of the Assembly which was scheduled to be held in six months' time.

The amendment proposed by Senegal to add a new paragraph (o) to Article 3 of the Constitutive Act reads as follows, I quote –

"invite and encourage the full participation of the African Diaspora in the building of the African Union in its capacity as an important part of our continent"

However, at the Extraordinary Summit held on 03 February 2003 in Addis Ababa, this proposal was amended to read as follows, I quote –

"invite and encourage the full participation of Africans in the Diaspora, in their capacity as an important part of our continent, in the building of the African Union"

/....

During the Third Extraordinary Session of the Executive Council in South Africa from 21 to 25 May this year, the Council acknowledged the importance of the Africans in the Diaspora in the structure of the Union. The Council supported the initiative of the Commission to convene a Technical Workshop to develop a concept paper and generate proposals to the relations between the AU and the Diaspora.

Mauritius supports the inclusion of the amendment in the Constitutive Act of the African Union and the modalities for inviting and encouraging the full participation of Africans in the Diaspora.

INTERNET TELEPHONY - PRIVATE OPERATORS

(No. B/442) Mr A. K. Gungah (Second Member for Grand'Baie and Poudre d'Or) asked the Minister of Information Technology and Telecommunications whether, in regard to the liberalisation of telecommunications, he will state the stand of Government on Internet telephony (VoIP) by private operators, and whether he will make a statement thereon.

The Minister of Training, Skills Development and Productivity (Mr S. Fowdar) Sir, I would like to mention, at the outset, that Voice over Internet Protocol and Internet Telephony are two different things. VoIP is, in fact, a technology which facility-based operators, such as fixed-line operators, mobile operators and international long distance operators may employ on their network to offer telephony services. On the other hand, Internet Telephony refers to an international telephony service whereby the public Internet, which is an unmanaged best effort network is used as the carrier for telephone calls. This distinction has been made by the International Telecommunication Union which sets norms and standards in the telecommunication sector worldwide.

In the context of the liberalisation of the telecommunications sector effective as from 01 January 2003, new operators are being allowed to come on the market with new services. However, new entrants will have to comply with the provisions of the law and with all licensing conditions which the ICT Authority, as the regulator, may impose. Currently, any licensee holding an International Telecommunications Service Licence issued under the ICT Act 2001 may provide International Telephony Service using either the classical circuit switched technology, or VoIP technology or Internet Telephony.

The Government is fully aware of the fact that Internet Telephony is a comparatively cheaper means of providing International Telephony Service although the quality of the service might be inferior to that of the traditional telephony service. The Ministry of Information, Technology and Telecommunications is coming up with a new telecommunication licensing regime, and in this context, regulations are being made and will become effective shortly which would inter alia facilitate the provision of emerging services in the telecommunications sector including Internet Telephony Service.

CONSTITUENCY NO. 6 - SITES & SERVICES - PROJECTS

(No. B/443) Mr A. K. Gungah (Second Member for Grand'Baie and Poudre d'Or) asked the Minister of Local Government and Rodrigues and Minister of Housing and Lands whether he will give the number of sites and services which the NHDC intends to prepare for constituency No. 6, together with particulars thereof.

Mr Lesjongard: Mr Deputy Speaker, Sir, the implementation of the sites and services project will be carried out on the basis of existing demand and availability of land. The high cost of infrastructure for such projects dictates that they cannot be too widespread. However, the policy of executing such projects will be pursued

as long as there will be a demand for them and in areas where land would be available. If such is a case, consideration will also be given for implementing a similar project in constituency No. 6.

RODRIGUES - CITRON DONIS SIXTH FORM COLLEGE - LABORATORY EQUIPMENT

(No. B/444) Mr J. Von-Mally (Third Member for Rodrigues) asked the Minister of Education and Scientific Research whether, in regard to the Form VI College of Citron Donis, Rodrigues, he will state -

(a) if there was a sit-in and protest of students and parents recently, and if so, the reasons therefor, and
(b) whether the students have been denied the right to a fully equipped laboratory since the opening of the college, and, if so, the period thereof, indicating -

(i) if any equipment has ever been installed, and
(ii) the measures, if any, taken by his Ministry to ensure that students are no longer penalised as far as laboratory equipment are concerned, especially in view of the forthcoming HSC examinations.

Mr Obeegadoo: Sir, the Citron Donis Sixth Form College is the only VI Form College of Rodrigues and it began operating at the beginning of this year.

The construction works, which started in April 2002, were to have been completed in December 2002. However, there was delay in progress of works owing to a number of factors beyond our control such as unavailability of building materials in Rodrigues, cyclonic conditions and the subsequent spell of rainy weather. As a result, the whole school, including laboratories was completed in April 2003. It was only then that the fixed furniture, that is, items such as tables incorporating sinks, shelves, gas piping and so on, could be installed in the laboratories. I am given to understand that the fixed furniture is presently being put in place at the school. The exercise will be completed in the next few days. As for equipment and chemicals, the contract for the supply of same has, I am informed, already been awarded by the Office of the Commissioner for Education in Rodrigues. A first consignment of these items is expected by the next shipment to Rodrigues in the first week of July 2003.

As for the events the hon. Member is referring to, I am informed that some students of Citron Donis Sixth Form College expressed their disappointment at not having fully-equipped laboratories at their school and consequently did not enter their classes on Wednesday 18 June 2003.

I am further informed that the Parent-Teacher Association of the school supported the movement, but did not actively participate in the protest.

In fact, Mr Deputy Speaker, Sir, all students are being provided with practical classes at Le Chou College and that arrangement has been operational since the 03 April 2003 with transport facilities being provided free of charge by the Rodrigues Administration from Citron Donis to Le Chou College where there are fully equipped laboratories. This arrangement is still on and will be maintained as long as the laboratories at Citron Donis are not fully functional, although we expect the laboratories to be fully functional by the end of July.

Mr Von-Mally: Mr Deputy Speaker, Sir, it seems that there has been a delay in the launching of the contract for the purchase of the laboratory equipment and I think this is very serious and I may say it is also scandalous, because it is the first Form VI College of Rodrigues. Can we know why there has been this delay? Should the contract not be launched prior to the opening of the college?

Mr Obeegadoo: I am no expert in procurement matters, Mr Deputy Speaker. My information is that it is only when the construction is completed or is very near completion that one can take practical steps concerning fixed furniture and thereafter laboratory equipment, because without the fixed furniture you cannot have the equipment in place.

My information is also that tenders for laboratory equipment were floated on 13 May 2003 with the closing date being 05 June 2003 and the contract has been awarded on 19 June 2003. Items available ex stock to be sent to Rodrigues on 09 July 2003.

Mr Von-Mally: Still, Mr Deputy Speaker, Sir, we can say that there has been a delay for the launching of the contract as far as the laboratory equipment is concerned. Can we know why there has been this delay?

Mr Obeegadoo: I repeat, Sir, there has certainly been a delay as regards construction works. I have no information, which would allow me to state before this House that there has been a delay in terms of the specific contract for laboratory equipment.

FOOD REGULATIONS 1999 - AMENDMENTS

(No. B/445) Mr S. Sakaram (Second Member for Vacoas and Floreal) asked the Minister of Health and Quality of Life whether he will consider the advisability of amending Regulation 65 of the Food Regulations 1999 with a view to allowing the sale of pre-packed foodstuffs, confectioneries, bottled-water and soft drinks within the premises of petrol service stations islandwise.

The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo) Mr Speaker, Sir, I would like to refer the hon. Member to the reply I made to PQ No. B/673 in November last.

In fact, my Ministry is presently working on a series of amendments to the Food Regulations 1999, including an amendment to Section 65 to allow the sale of pre-packed foodstuffs, confectioneries, bottled-water and soft drinks on the premises where petroleum products are being dealt with.

PRB REPORT - RETIRED EMPLOYEES - PENSIONS

(No. B/446) Mr S. Sakaram (Second Member for Vacoas and Floreal) asked the Minister of Education and Scientific Research whether, in keeping with the policy of aligning the conditions of service of employees of private secondary schools with those prevailing in the public sector, he will state if Government, whenever the recommendations of the PRB are implemented, intends readjusting pensions in payment to retired employees on the basis of the salary scale recommended by the PRB and applicable to Government employees.

Mr Obeegadoo: Sir, it is a fact that PRB has recommended the alignment of conditions of service, with the exception of pensions, in the private secondary schools sector with those of the State secondary schools sector. With regard to pensions, the PRB recommendation is as follows, I quote - "As regards pension, the present arrangements for both teaching and non-teaching staff of Private Secondary Schools should continue".

I am informed that in the Civil Service, pensions are in accordance with the Pension Act and Pension Regulations 1951. The Civil Service Pension Scheme is a non-contributory one and the PRB has in fact recommended that, I quote -

"Pensions of retired public officers be recomputed on the basis of the revised pensionable emoluments as from 01 July 2003."

The pensions scheme for the Private Secondary Schools is an altogether different one, and is contributory in the ratio of 2:1, State contributing two thirds and the employee contributing one third. Private Secondary Schools' employees as opposed to Civil Servants are in addition covered by the National Pension Scheme. Further, private secondary schools' employees also have a separate private pension scheme. Both schemes being contributory have their own rules and regulations in terms of contributions and benefits.

The extension of the PRB recommendations for Civil Service Pension Scheme to the private secondary schools employees would have far reaching policy implications, would have enormous financial implications and would be fraught with practical difficulties. Moreover, Mr Deputy Speaker, Sir, I wish to invite the attention of the hon. gentleman to the fact that the private secondary schools' employees remain to all intents and purposes private employees and do enjoy certain benefits not enjoyed by public servants, for instance, active participation in party politics.

In any case, Sir, as the House is aware, Government has initiated an overall review of our pension systems.

MOTION

SUSPENSION OF STANDING ORDER 10(2)

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to.