

**MAURITIUS**

**Fifth National Assembly**

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**FIRST SESSION**

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**Debate No. 1 of 2011**

**Sitting of Tuesday 22 March 2011**

**The Assembly met in the Assembly House, Port Louis,**

**at 11.30 a.m**

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**ORAL ANSWERS TO QUESTIONS**

**MED POINT CLINIC - ACQUISITION**

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the acquisition of the Med Point Clinic by the State, he will -

- (a) state if he agrees to the setting up of a Select Committee to establish all the facts, in particular -
  - (i) if all the prescribed procedures have been followed;
  - (ii) the cost of rehabilitation and other works to be carried out, and
  - (iii) the date on which the Central Procurement Board awarded the tender,and
- (b) for the benefit of the House, obtain from the Commissioner of Police, information as to if, regarding the recent reported case of arson at Belle Terre, the police inquiry has revealed any link thereto.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I shall reply to this Private Notice Question and to Question B/17 together. My reply will also cover Parliamentary Questions B/52 and B/53.

Regarding part (a) of the question, I should like, at the very outset, to state that, in view of the special needs of old people in the context of an ageing population, the idea of having specialised geriatric services was first invoked as far back as the year 2000 when I referred to the need for a geriatric hospital on several occasions. This issue was taken up again by the Chief Medical Officer, late Dr. Sungkur, in June 2004.

In this regard, late Dr Sungkur met Dr. J. P. Emeriau of Bordeaux University who was in Mauritius to speak about geriatric medicine, and he asked him to advise the Ministry on how to manage elderly patients. They came to the conclusion that this would become an acute problem by the year 2010 to 2015, and that there was an urgent need to have a plan for a geriatric hospital. However, there was no development.

Mr Speaker, Sir, in our manifesto for the 2005 General Elections entitled "*Une Ile Maurice pour tous*", at Chapter 5, when we speak of what we intend to do in the health sector, we speak on two occasions on the challenge to cope with an ageing population, and we emphasise on geriatric and preventive medicine. The reason is clear: the number of persons aged 65 and above is on the increase because people are getting better treatments and are living longer. At present, elderly patients account for more than 40% of occupied bed days in our hospitals.

In February 2006, a Committee, chaired by the Principal Medical Officer and comprising Consultants in general medicine, discussed the possibility of setting up a geriatric hospital. The idea of setting up a geriatric hospital does not, therefore, date back to the recent months.

On 26 February 2010, it was decided that proceeds obtained from the National Lottery and credited to the Consolidated Fund would be used, *inter alia*, to fund the following projects in the health sector -

- (a) centre for specialised care for children and women, and
- (b) the National Geriatric Hospital.

Mr Speaker, Sir, in line with the Government's vision to provide quality health care services to the elderly and to improve their quality of life, on 05 March 2010, Government agreed to the setting up of a National Geriatric Hospital to provide state-of-the-art treatment and care to the needs of our senior citizens suffering from chronic conditions. The hospital would also be a Centre of Excellence through the provisions of clinical training to

undergraduate and postgraduate medical students and paramedical personnel. This decision of Government formed part of the communiqué issued by Cabinet Office on the same date.

Mr Speaker, Sir, in our electoral manifesto for 2010, one of our proposals in the health sector is the setting up of a geriatric hospital. And in the Government programme 2010-2015, at paragraph 230, we spell out clearly that Government will set up a National Geriatric Hospital.

It must, therefore, be crystal clear to any reasonable person that the idea of the setting up of a geriatric hospital did not come up recently. That idea does not hold water and is not true.

As the House is aware, following various allegations made in relation to the acquisition of the Med Point Hospital building in the press, ICAC started an enquiry on its own initiative. I am of the view that, in the circumstances, it will not be in order or appropriate for a Select Committee to be appointed for the following reasons -

1. First of all, as I explained, ICAC is already inquiring in the matter. ICAC is the Independent Commission Against Corruption.
2. Furthermore, witnesses examined before the Select Committee may, whilst the Select Committee is sitting, become the subject of criminal charges preferred by ICAC or otherwise, and such parallel investigation and action will not be desirable or appropriate.
3. Once a witness gives an answer to a question before a Select Committee, he cannot be prosecuted on the basis of that answer. We all know section 15 of the National Assembly (Privileges and Immunities) Act; that is what I am referring to, Mr Speaker, Sir. I am sure nobody in this august Assembly wishes to extinguish, through the Select Committee, the possibility of prosecution of certain persons, if warranted, after the conclusion of the investigation by ICAC.

Once the ICAC investigation and any related proceedings are completed, the relevance and desirability of appointing a Select Committee can be considered. I also have no reason to doubt that, in the course of ICAC's investigations, the issues raised in paragraphs (a)(ii) and (iii) of the Private Notice Question as well as in the Parliamentary Questions B/52 and B/53 will be addressed.

Having said so, Mr Speaker, Sir, let me not be misunderstood by anyone in this House. This matter is being investigated by ICAC since January of this year.

Documents, correspondences, computer disks and computers have been secured from the Ministry of Health and Quality of Life, the Ministry of Finance and Economic Development and different other places. Several persons have been interrogated already and statements made. Others, I am told, are likely to be interrogated and further statements made. All institutions and ministries are collaborating fully with the ICAC.

I hope, therefore, that the hon. Leader of the Opposition and hon. Members will understand that it would be inappropriate for me to unduly comment and go into minute details, into matters that concern this investigation which, as I said, is ongoing.

We have to respect institutions, Mr Speaker, Sir, and not hamper their investigations nor try to influence them one way or the other.

As Prime Minister, I should not act in a manner that may prejudice an investigation that is ongoing.

Mr Speaker, Sir, as regards part (b) of the question, I am informed by the Commissioner of Police that, on 01 March 2011, one Mr R. B residing at Belle Terre reported to the Phoenix Police Station a case of fire which occurred on the same day in his garage at about 02.45 hours. Two vehicles, namely a pickup truck and a car, the garage, as well as some furniture kept nearby were damaged during the incident.

The assistance of the Forensic Science Laboratory, the Central Electricity Board, as well as the Energy Services Division was enlisted by police. After examining the site of the occurrence, the Energy Services Division concluded that the fire outbreak was not due to any electrical fault. On the other hand, the Director of the Forensic Science Laboratory is of the opinion that the fire was started by person/s unknown distributing an accelerant around the back of the pickup truck and igniting it with a naked flame. Upon the examination of the exhibits, i.e. soil samples, burnt plant debris, charred debris and fused debris collected from the scene, the examination by FSL reveals the presence of motor spirit and diesel.

During the course of the investigation, the police questioned eight persons. They have all denied their involvement therein and, after checking their alibis, they were allowed to go.

I am further informed by the Commissioner of Police that, so far, there is nothing in the enquiry which indicates that there is any link with the acquisition of the Med Point Clinic.

Enquiry into the case is proceeding.

**Mr Bérenger:** Mr Speaker, Sir, as the hon. Prime Minister, I am sure, is perfectly aware, there are lots of things that do not concern ICAC but that would be very much of interest to a Select Committee of the National Assembly. I take one example under part (a) of my question: 'prescribed procedures'. Can I know from the hon. Prime Minister whether it was he, in his capacity as Prime Minister, who ordered or gave the green light for the tender for purchasing a building to be issued five days before the last general election?

**The Prime Minister:** Mr Speaker, Sir, the hon. Leader of the Opposition has been Prime Minister before. We look at policy in Cabinet; we don't give orders to do this or to do that. These are procedures that are followed by the parent Ministry, and that is exactly what happened in this case.

**Mr Bérenger:** I am given to understand that the former Minister of Health was not involved - it has been said on the radio by him - and that he did not give the green light. Can I ask the hon. Prime Minister who, therefore, gave the green light?

**The Prime Minister:** In fact, when I learned that the Leader of the Opposition - I think in a public meeting - was saying that if it is not the former Minister of Health, it must be the Prime Minister, I immediately rang him to question him if he actually said that, and the answer, as usual, Mr Speaker, Sir, was that he did not say that, that the radio has twisted what he said. What he has done - and it is on record...

*(Interruptions)*

It is on record, Mr Speaker, Sir. I have the documents with me, and it is on record: "Cabinet examined the possibility of setting up a National Geriatric Hospital."

*(Interruptions)*

I don't know which radio the hon. Leader of the Opposition is referring to, but I know it was said on the radio.

*(Interruptions)*

In fact, when the former Minister of Health was here, he brought an information paper to Cabinet about the setting up of a geriatric hospital, and that is what the case is.

**Mr Bérenger:** The setting up of a geriatric hospital is one thing; the issuing of the tender is another thing. Therefore, can I again ask who authorised, five days before general election, the issuing of that tender?

**The Prime Minister:** Just to remind the hon. Leader of the Opposition, we all know, Mr Speaker, Sir, how the procedures are in this country. It is not five days before the general election that the decision was taken. The whole procedure had to take the time that it had to take. All the procedures were followed and then the decision was taken to acquire Med Point. It's not five days before the general election that it was decided that it is going to be Med Point.

**Mr Bérenger:** That tender clearly was tailor-made for Med Point to win the tender. Can I ask the hon. Prime Minister whether he has inquired who was responsible for preparing the details of that tailor-made tender?

**The Prime Minister:** Mr Speaker, Sir, as I explained, once the allegations were made, ICAC independently, on its own initiatives, started the investigation, as it usually does. Once the investigation starts, I think it is improper for the Prime Minister to start querying this and that. Let the investigation be done! I know they are investigating minute details. I can tell the hon. Leader of the Opposition that ICAC went to the Ministry of Health without warning. That might surprise some people!

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** It went to the Ministry of Finance and Economic Development without notice. They just turned up and took all the documents that they wanted to take, and that is why I said everybody is cooperating with ICAC.

**Mr Bérenger:** The hon. Prime Minister has insisted on a point which is not of interest as far as my question is concerned, that is, the need for a central hospital for old people. Is it not a fact that a committee of five specialists gave its advice, produced a report against a centralised one building? That was confirmed by a committee, chaired by the No. 1 of the Ministry of Health, Dr. Gopee, and all his technicians confirmed that. And when the file reached the Ag. Minister of Health, the Ag. Minister put it on file that he agrees with the recommendations of the two committees of experts.

**The Prime Minister:** I am not sure he said that on his file, but I can clarify this point, Mr Speaker, Sir. Policy decisions are taken by the Government. There are committees which decide; experts, Chief Medical Officers look at things and decide. Maybe, this is not appropriate. In fact, since 2000 - I am not afraid of saying it - I am saying that we need a geriatric hospital.

If you look at the report - and I can table the report if the hon. Members want it - from Dr. Emeriau, whom I don't know and who happened to have been in Mauritius when they were in Government, that is, in 2004, he has written an alarming report which confirms - I have not been saying it in so many words - the brutal reality of what is going to happen if we do not have a geriatric...

*(Interruptions)*

No, he talks about a geriatric hospital. In the developed countries, they have geriatric hospitals. I speak from knowledge; I worked in a geriatric hospital. The geriatric hospitals normally are separate. The reason why they are separate is simple, Mr Speaker, Sir. All elderly patients have particular needs; they have chronic illnesses, a lot of combination, a lot of pathology included. They occupy beds for a long time. It is not right for them...

*(Interruptions)*

I am explaining...

*(Interruptions)*

**Mr Speaker:** Order! Order!

**The Prime Minister:** I am explaining because the hon. Member is ignorant; he does not know anything about hospitals. Shut up!

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** I am explaining...

*(Interruptions)*

Shut up!

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** He is ignorant; he does not know.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** So, he should listen if he doesn't know!

*(Interruptions)*

**Mr Speaker:** Order! Order, please! Order! Order! Hon. Bhagwan, order please!

*(Interruptions)*

Order now! Order now, please! Order! Order!

*(Interruptions)*

I said order! Please, Prime Minister!

*(Interruptions)*

**Mr Bhagwan:** I am raising a point of order. I am asking the Chair whether he has heard the Prime Minister telling me 'shut up'.

**Mr Speaker:** There was a big brouhaha in the House...

*(Interruptions)*

Wait! If Members go to the Hansard, they will see how many times the words 'shut up' have been used.

*(Interruptions)*

**Mr Bérenger:** I take it that from now on 'shut up' is in order. Thank you. It's your own ruling.

**Mr Speaker:** I am not saying that. The hon. Member has made the point; let me look into it. I will give my ruling.

*(Interruptions)*

I can't offhand give my ruling.

**Mr Bérenger:** Mr Speaker, Sir, the law of the land provides...

*(Interruptions)*

**Mr Speaker:** Hon. Bhagwan, please keep quiet! Don't interrupt the Leader of the Opposition!

**Mr Bérenger:** When there is a tender, the law of the land provides that the unsuccessful tenderers must be informed within seven days, so that they can appeal before the Independent Review Panel. Is the Prime Minister aware - I am sure he is - that, in that case, the unsuccessful bidders were never informed and, therefore, *la loi fut violée*?

**The Prime Minister:** If that is the case, Mr Speaker, Sir, the inquiry, I am sure - they have taken all the documents, files, including confidential files - will establish whether this is so. The hon. Member was getting excited. I was explaining to him...

*(Interruptions)*

I am not. He is!

**Mr Speaker:** Order!

**The Prime Minister:** He is making allegations. I was explaining to him that, in developed countries, we have geriatric hospitals.

**Mr Bérenger:** Mr Speaker, Sir, is the Prime Minister aware that the No. 2 of the Valuation Office at the Ministry of Finance put a valuation of Rs75 m., and that the same Ministry of Finance, out of public funds, paid for a Quantity Surveyor to produce a report about how much it would cost today to build a new hospital? That was sent back to the Valuation Department of the same Ministry of Finance, which paid for that private job, and then Rs75 m. became Rs125 m.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** Mr Speaker, Sir, as I said, all the procedures are being looked at by ICAC. If that is the case, they will establish why it has been the case, because people are being interrogated, statements are being taken. Let them establish the facts!

**Mr Bérenger:** Is the hon. Prime Minister aware that one of the unsuccessful bidders who was never informed that he had lost that bid, had tendered for Rs117 m., and that the Central Procurement Board threw that out on the basis that there was a need for renovation and partition works, *sous-entendant* that, in the case of Med Point, that was not the case, and they had tendered at much more than Rs117 m? Can I table a document? It relates to my

question about how much it will cost for rehabilitation and other works. Can I tender a document? It is Minutes of Proceedings of the meeting held on 07 February, under the chairwomanship of the hon. Minister of Health, where it is put *noir sur blanc* -

“The following works have to be completed before the hospital could become operational -

1. waterproofing works;
2. repair of water pumps and water tanks;
3. defective solar water heaters to be replaced by new ones;
4. new equipment to be purchased for physiotherapy and occupational health units;
5. camera system to be installed in rooms;
6. bed lift to be repaired;
7. incinerator to be replaced, and
8. installation of burglars’ proofs in patients rooms.”

Will the hon. Prime Minister agree that already Rs117 m. was cheaper? This will cost - I am sure the hon. Prime Minister will agree - millions, which will be added on to the Rs125 m. which were paid for land and building.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** I do not want to comment on the details, as I said, Mr Speaker, Sir. But it is not as simple as it is being made out just now. Because I know, for example...

*(Interruptions)*

**Mr Speaker:** Let the Prime Minister explain!

**The Prime Minister:** I know, for example, there was somebody from my own constituency who also bid. I suppose this is the case, because he complained that there were large columns in this building that had to be pulled down, and the whole structure of the building might have been then in difficulty. This is one of the reasons he told me; I did not go into the details. I said ‘well, I cannot do anything about it; this is not in my domain; it is for the people who are doing the procurement to look at who gets what’. That investigation will show all this.

**Mr Bérenger:** I heard the hon. Prime Minister saying in his reply that he is also replying to two PQs. My question asks for the date on which the Central Procurement Board awarded the tender, and one PQ asks for the date on which payment was effected. Now, we know that the date of title deeds was 29 December, so that Capital Gains Tax would not be paid. Can I ask the hon. Prime Minister to give us the date on which the Central Procurement Board awarded the tender and the date on which payment was effected?

**The Prime Minister:** I have also seen that these are the dates that are being mentioned. But, as I said, Mr Speaker, Sir, I do not want, as Prime Minister, to go into the details. Tomorrow, you will find out that it was not 29, it was 28, and then they will say I misled Parliament. Let us wait for the ICAC to produce its report. I believe they won't have to wait for so long to get the report, because I am told that they have questioned many people and they must finish the report very soon.

**Mr Bérenger:** Can I ask the hon. Prime Minister whether he can inform us who signed on behalf of Government for payment to be effected, and where did that ceremony - that is the correct expression - take place?

**The Prime Minister:** It sounds like the ceremony they did when they made the alliance in Med Point. It was the ceremony then.

*(Interruptions)*

**Mr Speaker:** Order! Enough now!

**The Prime Minister:** Mr Speaker, Sir, I have trust in the institutions. I have explained from the very beginning that I am not going to go into the details, because I do not know the details. An investigation has been started. All this would be revealed, I am sure, from the ICAC when they would finish the inquiry.

**Mr Bérenger:** The hon. Prime Minister has said that the police inquiry has led nowhere so far.

*(Interruptions)*

**Mr Speaker:** Hon. Minister, please!

**Mr Bérenger:** Can I know whether, amongst the eight people who have been interviewed, - according to the reply from the Prime Minister - the neighbours, immediate and less immediate ones around Mr Harish Boodhoo's residence, have been interviewed?

**The Prime Minister:** My indication from the Commissioner of Police is that neighbours have been interviewed. Mr 'Belle Terre' made wild allegations. He has not seen anyone, he says, but he has made allegations. Neighbours have been interviewed. There is one thing that the police are puzzled about. On the very day, in the morning, he made an interview on one of the radios - I think Radio Plus - and, in the background, you hear dogs barking - it is the neighbours who brought this to the attention of the police. But, in the middle of the night, when the incident happened, no dogs barked. So, the police are very puzzled how come that no dogs barked. I wonder whether this is not the 1983 syndrome; and you know what I am talking about!

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Bérenger:** Therefore, are we being told that, so many days after that fire arson, *la police n'est sur aucune piste?*

**The Prime Minister:** No, that is not true! The police are continuing their investigation. The problem is that when the fire started, they had to extinguish it very quickly. A lot of forensic evidence has obviously been lost when you use a lot of water. In fact, I must tell the hon. Leader of the Opposition that the Director of the Forensic Lab, who is a foreigner from Scotland, Mrs Maclean, is an expert in such cases - damage caused by fire. I asked the Commissioner of Police to ensure that she goes to make sure that we follow the investigation, because I know, from the wild allegations that this person usually makes, we need to make sure what has happened. As I said in my answer, there is a lot of debris that they are analysing. Nobody has seen anybody. So, we have to go by the evidence that they have.

**Mr Bhagwan:** Everybody knows what has happened, and the Prime Minister has just stated that ICAC is conducting the inquiry. We all know how things are run in Mauritius. Being given the urgency of the reply to the nation and all of us, can the Prime Minister inform the House, for transparency, whether he intends to have all Ministers who have been involved in the Med Point affair stepped down in the public interest? Because we want to know where the fire began and whether all the documents are safe. Can the Prime Minister inform the public, the nation whether he will ask all the Ministers involved to step down pending the finalisation of ICAC report?

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** Mr Speaker, Sir, hon. Members, including the hon. Member, and the people of this country know my track record. I have never, never hesitated to sack my Ministers...

*(Interruptions)*

**Mr Speaker:** No. Let the hon. Prime Minister answer!

**The Prime Minister:**...and even to initiate an inquiry on one of my Ministers without telling him - and I have evidence of this - where there have been serious allegations and a *prima facie* case has been established. That is how I proceed. If there is a *prima facie* case, certainly I will act, as I have done in the past. The hon. Member forgets that I am not from his party. His party dissolved the Economic Crime Office when there were allegations against one of his colleagues. They dissolved the Economic Crime Office. It is the same way...

*(Interruptions)*

**Mr Speaker:** Order! Order now!

*(Interruptions)*

Order, please! Leader of the Opposition!

**Mr Bérenger:** I have two questions. Being given what the hon. Prime Minister has just said, will he agree with me - he has to, because it is the truth - that, in fact, the Economic Crime Office was replaced by a really independent Commission like the one in India, where you have a panel of three people, that is, the President, the Prime Minister and the Leader of the Opposition, to appoint and revoke the Head of ICAC? The first thing he did in 2006 was to amend the law to make ICAC become his *paillasson*, where the Prime Minister appoints and revokes...

*(Interruptions)*

Will he agree with me?

**Mr Speaker:** No, the Leader of the Opposition has imputed motives against the Prime Minister by saying that ICAC has become his *paillasson*. I would request the hon. Leader of the Opposition to withdraw that word.

**Mr Bérenger:** He amended the law, and I withdraw the word '*paillasson*' at your request.

**Mr Speaker:** You have withdrawn the word. Thank you.

**The Prime Minister:** I have amended the law. Let me remind the House why. There was the big saga of the MCB where millions had been lost from the bank, and you know how it was working. The President at the time was from the MSM; the Prime Minister from the MSM. So, there were two against one. My voice did not count. Do you know how many times I had to ask that my objections be recorded because I do not agree? In fact, at that time, the Director of ICAC was very, very unhappy about the way things were being done.

**Mr Bérenger:** My last question will be...

**Mr Speaker:** Last question!

**Mr Bérenger:** The hon. Prime Minister tells us to give time to ICAC to carry out its inquiry. Although, as I said, there are lots of matters that are of no concern to ICAC, that would be of great interest to the Parliamentary Select Committee. I am sure the hon. Prime Minister is aware that ICAC has made it a habit to carry out inquiries over years. In the case of a former Parliamentarian, the case was struck out, because years and years later things were still dragging on. When the hon. Prime Minister asks us to give time to ICAC, can we, at least, have a timeframe? I am not saying that he must give directives to ICAC, but that this request for a Select Committee will not be kept pending for months and, maybe years, because ICAC will go on and on with an everlasting inquiry.

**The Prime Minister:** Mr Speaker, Sir, I understand that point. We know how these things take time, but let me just make a reference to the former Minister that he mentioned. I suppose the hon. Leader of the Opposition is talking about hon. Chady, if I am right. In that case, let me say ICAC has, by way of mutual legal assistance in criminal and related matters, requested for assistance in three jurisdictions, namely the Netherlands, the United Kingdom and Singapore, in relation to securing documentary evidence, interview of foreign suspects and witnesses. The request to Netherlands, unfortunately, has been subject to a challenge in the Court in Netherlands by Boskalis International Limited, and the procedure is still going on - in Netherlands not here. There is information received that the Court of Netherlands would be ruling, I think, from what I understand, in favour of granting the request for evidence which has already been secured, and that the Court order will be then proceeded

with. I am told that the Court order is now subject to an appeal from *la Cour de Cassation*. That is, unfortunately, how the case is proceeding. So, it's not over.

**Mr Speaker:** Time is over! The Table has been advised that Parliamentary Question No. B/2 will be replied by the Minister of Information and Communication, and that Parliamentary Question No. B/21 will be replied by Dr. the hon. Prime Minister. Questions addressed to Dr. the hon. Prime Minister! Hon. Dr. Boolell!