

MAURITIUS FOURTH NATIONAL ASSEMBLY

FIRST SESSION

Debate No. 21 of 2009

Sitting of Tuesday 07 July 2009

The Assembly met in the Assembly House, Port Louis

at 11.30 a.m.

The National Anthem was played

(The Deputy Speaker in the Chair)

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MAURITIUS

Fourth National Assembly

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Debate No. 21 of 2009

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PAPERS LAID

The Prime Minister: Sir, the Papers have been laid on the Table –

A. Ministry of Finance and Economic Empowerment

The Customs (Suspension of Permit or Authorisation) Regulations 2009 (Government Notice No. 63 of 2009).

B. Attorney-General's Office

The Mauritius Bar Association (Amendment) Rules 2009 (Government Notice No. 65 of 2009).

C. Ministry of Health & Quality of Life

The Mental Health Care (Licensing of Private Mental Health Care Centres) Regulations 2009 (Government Notice No. 64 of 2009).

ORAL ANSWERS TO QUESTIONS
FISHERIES – MoU, FISHING AGREEMENT & ACP MINISTERIAL MEETING

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Minister of Agro Industry, Food Production and Security whether, in regard to fisheries, he will state –

- (a) how the Memorandum of Understanding signed in 2006 between the Ministry and the *Syndicat des Pêcheurs* is being implemented, indicating the -
- (i) number of registered fishermen for Mauritius and Rodrigues, in and off-lagoon, indicating their respective catch on a yearly basis, since 2006 to date, and
 - (ii) progress made by the Fishermen Investment Trust;
- (b) where matters stand concerning the Fishing Agreement with the European Union, and
- (c) if he attended the first Ministerial Meeting of African, Caribbean and Pacific Ministers in Charge of Fisheries held in June last.

Mr Faugoo: Mr Deputy Speaker, Sir, I would, at the outset, wish to indicate that according to information received from the Registrar of Associations, the *Syndicat des Pêcheurs* has only 19 fishermen as members. It is to be noted that there are 2274 fishermen registered with my Ministry and thus the *Syndicat* is not representative of the whole fishermen community.

The House may wish to note that the Fisheries and Marine Resources Act provides for a Consultative Committee where all fishermen associations are invited to discuss and sort out problems encountered by them and which are pertinent to the sector.

Nevertheless, in a spirit of “good faith”, my Ministry has always acceded to its request and holds consultations with the *Syndicat des Pêcheurs* on a number of requests, including placing of FADs, training of fishermen and skippers. A Memorandum of Understanding was also signed with the *Syndicat des Pêcheurs* on 26 November 2006 to promote good relations with the fishermen.

With regard to paragraph 1(a), the information is as follows -

The number of registered fishermen and their respective catches in Mauritius for 2006 in lagoon was 394 whereas for off-lagoon it was 1923. The catch was 579 tonnes and 371 tonnes respectively.

For 2007, the number of fishermen in lagoon was 229 and off-lagoon 2070 and the respective catches were 354 tonnes and 286 tonnes respectively. For 2008, the number of fishermen in lagoon was 210 and off-lagoon it was 2078 and their respective catches were 367 and 350 respectively, Mr Deputy Speaker, Sir.

As far as Rodrigues is concerned, the number of fishermen for 2006 was 2024 and their catch was 1067 tonnes. For 2007, it was 1981 fishermen registered with a catch of 1524 tonnes. Whereas for the year 2008, the number of fishermen registered was 1891 and the catch was 1578 tonnes, Mr Deputy Speaker, Sir.

Under (a) (ii), the Fishermen Investment Trust has been set up as per the Fishermen Investment Trust Act 2006, proclaimed with effect from 31 January 2007. Following Government decision to allocate freely 300 shares in the FIT valued at Rs10 each to registered fishers of Mauritius and Rodrigues, the Trust has accordingly allotted the shares with effect from 31 January 2008 to 2480 fishers of Mauritius and 1981 of Rodrigues. A symbolic ceremony for the symbolic handing over of FIT share certificates was organised at Sir Harilall Vaghjee Hall on 02 June last year.

Furthermore, sensitisation campaigns were held throughout the island to explain the objectives of the Trust. Besides, the share certificates were, for sake of convenience, handed over at fisheries posts throughout the island. The share certificates for Rodrigues were transmitted to the Rodrigues Regional Assembly for onward handing over to the registered fishers.

The FIT organised a logo competition which was limited to children of registered fishermen of Mauritius and Rodrigues. A ceremony for the unveiling of FIT's logo was held on 14 November 2007.

In March 2008, the Trust organised a workshop with representatives of Association of Fishermen for the drafting of its mission and vision statements. A consultant from the KPMG acted as facilitator for that exercise.

It is to be noted that the FIT has already launched its first corporate plan covering the period of 2009-2011. Through this corporate plan, the FIT has made known its strategic directions and demonstrating that they not only know where they are going but that they have indeed charted a path for the future. The corporate plan covers, amongst others, the following key components –

- Development for projects for the benefit of fishermen
- Concrete actions during planned period
- Corporate strengthening
- Marketing
- Project Management

The corporate plan highlights the following programmes -

Programme 1 – Sea Cucumber Project at St Brandon

The FIT has embarked on a Public Private Partnership for the development of a sea cucumber in the waters of St Brandon.

Programme 2 – Fish Farm Project at Bambous Virieux

The FIT shall team up with the Ferme Marine de Mahebourg Ltd for the setting up of a cage culture at Bambous Virieux so as to provide new opportunities to fishermen. The training needs for the project will be implemented by the Human Resource Development Council and with the support of the Empowerment Programme. A business plan for the project was prepared by a foreign consultant in collaboration with a local firm. This exercise was financed by the Regional Corporation for Sustainable Coastal Zone Management of the Indian Ocean (RECOMAP).

Programme 3 – (i) Acquisition of Fishing Boats

The FIT has teamed up with the private sector represented by MEXA for the development of a fishing project to promote outer lagoon and Fish Aggregating Device fishery. In this context, the MEXA has already ordered one fishing boat, whereas the FIT has already invited bids for the construction, supply, commissioning and testing of four fishing boats.

Programme 3 – (ii) Barachois Project

Government has agreed to the allocation of two barachois to the FIT as follows-

- (a) Petit Barachois at Poudre d’Or for the implementation of an integrated project, and
- (b) Bassin Humbert.

The FIT has already approached the Board of Investment to promote the barachois for integrated projects. All projects shall take into consideration the interest of fishers and should promote sustainable integrated development. The FIT is awaiting the vesting of the barachois.

It is to be noted that the accounts for the period ended 30 June 2007 and 30 June 2008 of the Trust have already been audited by the Director of Audit. Copies of the accounts shall be circulated shortly.

Under paragraph (b), Mr Deputy Speaker, Sir, I refer to PQ No. B/622 whereby I had given ample information on this issue. However, I am going to give further information.

In the Fisheries Sector, Mauritius and the European Union (EU) concluded a Fishing Agreement in 1990 to enable EU fishing vessels to fish for Tuna in the Mauritian EEZ. Subsequently, 5 protocols were negotiated and the last protocol expired on 02 December 2007.

A new Fisheries Partnership Agreement with the EU has not been finalised yet due to divergent positions on the reference tonnage and the implementation of a mandatory Illegal, Unreported and Unregulated (IUU) Action Plan, being imposed by the EU for combating illegal fishing.

During the negotiations as at date, Mauritius initially proposed a reference tonnage of 8,500 with a fall back to 6,500 tonnes as in the outgoing Protocol. The EC remained adamant on its offer of 3,000 tonnes only. The financial package attributed to these 3,000 tonnes, including fishing licences would amount to 21 million rupees. The proposed Agreement is mandatory on Mauritius disbursing some Rs45 m. to police its EEZ in order to combat illegal, unreported and unregulated activities in our EEZ and this proviso is absent in the other bilateral Fishing Agreements between the EC and other third countries.

In the meantime, on 16 February 2009, the EU has agreed to take private licences for fishing in Mauritian waters pending the conclusion of a bilateral Fisheries Partnership Agreement.

Mr Deputy Speaker, Sir, I am informed that the EC is proceeding with a review of its Common Fisheries Policy (CFP) which is expected to enter into force in 2012. One of the components of this new CFP will be an overall re-engineering of the bilateral Fisheries Agreement with third countries. The EC is proposing the following -

Option A: A Regional Fisheries Agreement among IOC States.

Option B: Issue of Private Licences

This new Partnership Agreement between EC and third countries will identify sectors that need financial and technical assistance for the sustainable development of the fisheries sector.

This, therefore, explains the new orientation of the EC with regard to the issue of private licences to EC fishing vessels for fishing in the Mauritian EEZ. You may also wish to note that Mauritius did request for issue of private licences to EC vessels at the end of the last Protocol, that is, in December 2007 with a view not to disturbing the good relationship between our two countries pending finalisation of the bilateral Fishing Agreement.

The European Fishing Companies namely ANABAC (Spain) and ORTHONGEL (France) have applied for fishing licences. 21 applications have been received as at date in respect of purse seiners for fishing in the Mauritius EEZ. Licences fees amounting to USD115,500 have already been credited to the Treasury. 19 licences have already been issued and 2 are being processed for the European fishing vessels to operate in Mauritius waters.

Under part (c), Mr Deputy Speaker, Sir, the first ACP Fisheries Ministerial Meeting was held on 04 to 05 June 2009. I personally could not attend the meeting as Ministers are normally expected to be in Mauritius during budget time. This meeting coincided with debates on the budget. Given the fact that Ministers could not attend overseas missions, some Members of the House were even under the impression that an anticipated election was coming. The next ACP Fisheries Ministerial Meeting is scheduled in November of this year. However, the Mission in Brussels was delegated to attend the meeting on my behalf along with a senior officer of the Fisheries Division.

During the preparatory technical meeting which preceded the Ministerial Meeting, Mauritius proposed that piracy in the Indian Ocean be included as an item for discussions on the draft annotated agenda. The proposal of Mauritius was retained for discussions on the agenda of the Ministerial Meeting subsequent to an oral statement on piracy in the Indian Ocean made by our delegations. In addition, during discussions and exchange of views for improving and refining recommendations for the draft resolution to be presented to ACP Ministers, Mauritius also proposed amendments for inclusion in the areas namely: setting-up of a fisheries mechanism, piracy in the Indian Ocean, AC, IUU Regulation and green paper on reform of the common fisheries policies of the European Union and rules of origin under APAs.

The proposals of Mauritius were agreed upon and included in the pre-tabular paragraphs and in the operative paragraphs of the draft ministerial resolution. The draft resolution which was submitted to the Ministers' meeting for discussions, finalisation and allocation, covers a wide range of issues discussed under governance, trade and capacity building. The Ministerial Meeting had resolved that an ACP Ministerial Fisheries Mechanism be set up for ACP Ministerial coordination and cooperation on fisheries for the ACP group, with an objective to provide political support, both within the group and for its external partners for new approaches to fisheries governance and cooperation in fisheries in order to ensure that fisheries play their just part in social and economic development of ACP member States. Furthermore, the Fisheries Mechanism provides for ministerial coordination and cooperation on fisheries to monitor and evaluate major fisheries development, trade and cooperation activities with ACP partners,

including the EU and when necessary and appropriate formulate recommendations for improvement and change.

Mr Bérenger: Mr Deputy Speaker, Sir, if we can start with the fishermen of Mauritius, as the Minister, I am sure, is aware, the main problem here is that our lagoon has been exhausted by tourism, construction development, pollution and also overfishing, so they are concentrating. Their first request is for facilities to fish off-lagoon, outside the reefs. In the course of these consultative meetings and in the context of the Memorandum of Understanding between the *Syndicat des Pêcheurs* and the Ministry, it was to be agreed that there will be 30 FADs, 30 Fish Aggregating Devices. Can we know how many are functional?

Mr Faugoo: Yes, Mr Deputy Speaker, Sir. In fact, in the MoU, it was agreed that there will be 30 FADs altogether. As at date, there are 21 FADs which are operational and it is the understanding between the *Syndicat des Pêcheurs* and the Ministry that as and when there will be an increase in the number of fishers, we will also increase the number of FADs. As at now, there are only 400 fishers who are fishing around the FADs and the 21 FADs which are operational are sufficient for the time being. It has been agreed that if there is an increase in the number of fishers going to fish around the FADs, we will increase the number of FADs as well.

Mr Bérenger: Unfortunately, for those fishermen, the Cooperative Societies in the fisheries sector are in a deplorable state. At the last meeting of the consultative meeting on 10 February 2009, a decision was taken that there will be a status report on the fishing cooperatives with a view to restructuring the cooperatives in that sector. Can we know what progress has been achieved?

Mr Faugoo: First of all, I should correct the Leader of the Opposition. The last meeting which I presided, i.e. consultative meeting was held on 10 February, but, subsequent to that, there have been 10 other consultative meetings, not under my chairmanship, but I delegated officers of my Ministry to hold these meetings on specific issues and report to me. As far as this issue on cooperatives is concerned, there is a study which is being carried out and they will report back to the consultative committee.

Mr Bérenger: At the same meeting on 10 February, the consultative meeting, which the Minister presided over, there was a request for income support for fishermen over 60 years and the Minister said that he would take up the matter with the Minister of Finance and the Minister of Social Security. Can we know what has been the result?

Mr Faugoo: In fact, one of the paragraphs in the MoU talks about compensating fishermen above 60 years, Mr Deputy Speaker, Sir. It is clear in the

MoU that Government was not in agreement. But, nevertheless, we have said that we are going to study and come back. We have, in fact, carried out a study, and we know that most of the fishermen contribute to NPF, and their contribution is deducted at source from the bad weather allowance. Most of the fishermen receive, at the end of the month, bad weather allowance. We have had consultations, and we have agreed that, for the time being, it is not on the agenda of Government to compensate fishermen above 60, because this will open the door to other sectors of the economy.

Mr Bérenger: The hon. Minister referred to the National Pension Fund contributions by the fishermen. Precisely, at the same meeting, the issue of the discrepancy between their contributions and what information they get from the National Pension Fund had been raised once again, and the Minister had said, at that meeting of 10 February 2009, that the issue would be sorted out within two weeks. Have we made progress?

Mr Faugoo: It has already been sorted out, Mr Deputy Speaker, Sir.

Mr Bérenger: At that same meeting, a request was made by the *Syndicat des Pêcheurs* to write off Development Bank of Mauritius loans contracted before 2003, and it was agreed that the adviser to the Minister would discuss with the Development Bank of Mauritius and inform the fishermen. Can we know the result thereof?

Mr Faugoo: This matter was taken up with the Minister of Finance, Mr Deputy Speaker, Sir. As the House is aware, a scheme was introduced in the last budget, which was open not only to fishermen but to planters and breeders also. I have been advised that most of the fishermen have taken advantage of the scheme which was introduced in the budget. There are some 125 fishermen who are not able to cope with the situation and this is being looked into.

Mr Bérenger: May I know where matters stand concerning the fish auction market? I understand that the plan is to have the fish auction market at Les Salines, to have fishermen from all over the island to bring their fish there and do away with the exploitation by the *banians*. Can I know from the hon. Minister whether the tender has gone out? Because it was expected to go out by end of April 2009. Can I ask the Minister what is the scheme? Are we going to have only one fish auction market? How is the fish going to be brought in from all over the island? Or, are we going to have several auction markets in due course?

Mr Faugoo: Mr Deputy Speaker, Sir, I must confess that there has been a short delay as far as the project of the fish auction market is concerned. This is due to the fact that the site which was located in the first place was found within the buffer zone of Aapravasi Ghat, which is a World Heritage Site. In fact, we took

some time to locate another spot and have managed to find a place at Fort Williams, Les Salines. We have gone quite far in the project now. In fact, we have launched tender and the closing date is 31 July. It has already been gone out in the press. The work is going to start within months from the closing date.

On the second issue as to whether this is the only auction market, in fact, it is not an auction market standing alone; it is going to be a cluster for the seafood hub, Mr Deputy Speaker, Sir. Processing plants as well are going to be set up over there. In the first place, we are going for this central fish auction market. It is central as at now. We don't have any plan for a second one. As to how the fish from other places in Mauritius is going to be taken to the fish auction market, we have to work out a mechanism for this.

Mr Bérenger: There are consultative meetings which the Minister chairs with the fishermen of Mauritius. Would he be agreeable to two other consultative committees being set up? One for the bank fishermen, that is, those who go to Saya de Malha, Nazareth and St Brandon banks, and a second one specifically to meet in Rodrigues for the Rodrigues fishermen.

Mr Faugoo: Mr Deputy Speaker, Sir, with all due respect to the House and to you, I will agree to what is being suggested. But, I must say that, as far as Rodrigues is concerned, it is the Rodrigues Regional Assembly which is in charge of the fishing sector there. At the level of my Ministry, of the Government, we collaborate on specific issues, whenever they need technical advice or technical input. There has been a ruling from the National Assembly here on 08 February 2005 which, in fact, relates to matters pertaining to Rodrigues, wherein it was stated that Ministers in this House are not responsible for matters set out in the Fourth Schedule of Rodrigues Regional Assembly Act 2002. For those matters, it is the Commissioners who, under section 35 of the Act, have been assigned responsibility who are answerable to the Regional Assembly. Fisheries is one of such areas.

Mr Bérenger: I move on to the Fishermen Investment Trust, Mr Deputy Speaker, Sir. The plan was to distribute in all 6.5 million shares of Rs10 each. Can we know, as at to date, how many shares have been distributed to fishermen, and whether dividends have been paid?

Mr Faugoo: I said in my main answer, Mr Deputy Speaker, Sir, that 300 shares at the value of Rs10 each, have been allocated to each of the registered fishermen both in Mauritius and in Rodrigues.

Mr Bérenger: I heard the hon. Minister say that the Fishermen Investment Trust has a corporate plan. Can we request that a copy thereof be laid in the

Assembly and that Minutes of Proceedings of the Board meetings of the Fishermen Investment Trust be also placed in the Library?

Mr Faugoo: I have no problem as far as the corporate plan is concerned but as far as the Minutes of Proceedings are concerned, I must seek advice.

Mr Bérenger: When the Fishermen Investment Trust was voted by the Assembly on 26 November 2006, there were great plans, great intentions and, then, this has been brought down. Now, we have just heard from the Minister the various projects that are ongoing. In the case of MEXA, am I right in saying that they had agreed to finance three fishing vessels, but that they have claimed that they are now able only to finance one?

Mr Faugoo: That is so, Mr Deputy Speaker, Sir. In fact, there was an agreement between MEXA and the Ministry that FIT is going to provide three boats and MEXA is going to provide three boats. But, then, with the credit crunch, with the economic situation prevailing now, they have reduced the number to one. In fact, they have already ordered, and this must be coming within weeks. They have told us that, once the economic situation comes back to normal, they are going to give the two remaining, Mr Deputy Speaker, Sir.

Mr Bérenger: The Fishermen Investment Trust Act provides that two fishermen from mainland Mauritius and one from Rodrigues are to be elected. Has the election taken place in Rodrigues? And can we know - if the Minister has the information - how many fishermen took part, here, in Mauritius, in the election of these two representatives?

Mr Faugoo: Mr Deputy Speaker, Sir, I think the election took place a couple of years ago and the election is due some time in March of next year, because it is held every three years. What has happened in the case of Rodrigues is that, apparently, the representative of the fishers of Rodrigues rendered back his fisherman card, which made him not eligible to sit on the Board. In fact, the representative of Rodrigues is not sitting on the Board. As far as Mauritius is concerned, we have two representatives of the fishers on the Board. I do not know how many fishers elected them because this dates back a couple of years ago.

Mr Bérenger: When the Fishermen Investment Trust was voted by Parliament on 26 November 2006, it was announced by the then Minister that a contract for a feasibility study for long line tuna fishing, financed by Kuwait, would be allocated shortly. Can I know whether the feasibility study has been done or is being done?

Mr Faugoo: The answer is yes, Mr Deputy Speaker, Sir.

Mr Bérenger: Is the feasibility study ready, or is it being prepared?

Mr Faugoo: I am told that it is ready.

Mr Bérenger: If it is ready, can we have it laid in the Library?

Mr Faugoo: I will look into it, Mr Deputy Speaker, Sir.

Mr Bérenger: We have been informed that pending another fishing agreement between Mauritius and the European Union, there are so-called - what the hon. Minister called - private agreements between the companies, the fishing vessels and Mauritius. Can I know whether the conditions upon which these private licences are granted are exactly the same as those before 2007 when the fishing agreement existed?

Mr Faugoo: In fact, in the absence of a formal fishing agreement between Mauritius and the EU, they had a fallback position, that is, they are going for private licences and, as I said, in my main answer, we had 21 applications, 19 have been issued. I understand that the fees are the same as before 2007. But, what is important, Mr Deputy Speaker, Sir, is that we could not raise the fees because EU made representations to say that it should not be more than what we are charging for others. So, we are charging the same fees as we are charging for other foreign vessels. The only difference is with Japan. In fact, Japanese ships are charged one third more of what we are charging to EU and other vessels.

Mr Bérenger: Last time, when we were discussing our relations with the European Union and the fact that we no longer have an active fishing agreement, I had asked the hon. Minister whether it is not due to the fact that there is disagreement between Mauritius and the European Union concerning the Indian Ocean Tuna Commission. The European Union wanted Taiwan to join outside the United Nations to better – supposedly - combat illegal fishing. Has the hon. Minister had time to look into that and can he confirm that we have a disagreement on that with the European Union?

Mr Faugoo: In fact, after I had answered the PQ, I asked the officers/technicians of my Ministry, they told me ‘no’. The only bone of contention was on the two issues, the reference tonnage and, secondly, it was on the IUU Project, Mr Deputy Speaker, Sir.

Mr Bérenger: The Ministers responsible for fisheries of the ACP met for the first time in Brussels in June last and elected Seychelles to chair that Standing Ministerial Committee. Will the hon. Minister confirm that the two main issues, apart from piracy which was added onto it, were ACP countries to get together to better argue their case towards the European Union for the new fishing agreements that are being discussed and, secondly, combating illegal fishing in our part of the Indian Ocean? Will the hon. Minister agree with me that it is of vital importance

for the Minister of Fisheries in Mauritius to be present at all the meetings which this ACP Ministerial Meeting holds on Fisheries?

Mr Faugoo: Mr Deputy Speaker, Sir, I said before that I could not attend because debates on the budget were going on; I could not be here and there at the same time. This is why we delegated a high official of the Ministry to attend the meeting and, also our Mission in Brussels attended the meeting. I agree with the hon. Leader of the Opposition that one of the main items on the agenda was the 'Creation of a Ministerial Fisheries Mechanism', just like we have for sugar. The fact that I was not there does not mean that we did not participate and we did not sort of agree on the issues. The issues are there and we are still working on them. Another meeting has been fixed for Ministers and Technicians in November of this year, Mr Deputy Speaker, Sir.

Mr Bérenger: I have one last question. Being given that the fishermen of Mauritius are going through very difficult times these days and, as I said, above all, because of tourism and construction developments - I am not putting that in a negative light, but I think it is impacting on the lagoons, also pollution from the sugar industry, vegetables and so on going down into the lagoons and overfishing - will the hon. Minister agree that it is time to have a full-fledged study on all that, on the impact of those different activities in our lagoons and, therefore, on the welfare of the fishermen around the island, making recommendations for mitigating measures and for helping the fishermen who face such a very difficult situation?

Mr Faugoo: Mr Deputy Speaker, Sir, there are two things. I agree with what is being suggested by the hon. Leader of the Opposition. But I must also set the record right, that whenever there is a development in the coastal region in Mauritius, be it the north, south, west or east, it has to go through all the set procedures. It has to have an EIA licence and there is also the Monitoring Committee. If there is any sort of hindrance to the fishermen, if there is any sort of prejudice caused to the community of fishers in that particular region, there can be a Stop Order. We have seen this in so many cases, Mr Deputy Speaker, Sir, but, nevertheless, having said this, I must say that we have to have a study carried out. And, in this context, in fact, we have already started some work in that direction; we have the IFAD/MAAS Programme which forms part of the pro-poor reform agenda of the Government to alleviate poverty in marginal communities. One of the studies which this programme is going to carry out is exactly what the hon. Leader of the Opposition is proposing.

The Deputy Speaker: Time is over! Questions addressed to the hon. Prime Minister! The Table has been advised that PQ No. B/727 in regard to amendments

to legislation on the renewal of driving licence, and PQ No. B/729 in regard to the introduction of a Fiscal Responsibility Bill addressed to Dr. the hon. Prime Minister, will now be replied by the hon. Minister of Public Infrastructure, Land Transport and Shipping and Dr. the hon. Vice-Prime Minister, Minister of Finance & Economic Empowerment respectively.

In keeping with practice, PQ Nos. B/727 and B/729 will be replied at the end of Question Time, that is, after PQ No. B/795, time permitting.

**POLICE VEHICLE REGISTRATION NO. 5630 DC 05 –
ROAD ACCIDENT**

(No. B/718) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the road accident which occurred on or about 11 March 2008, involving the Police vehicle bearing the registration number 5630 DC 05, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) value of the damages, and
- (b) outcome of the inquiry.

The Prime Minister: Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed by the Commissioner of Police that an amount of Rs65,560.14 was spent for repairs to Police vehicle bearing registration number 5630 DC 05, which was involved in a road accident on 11 March 2008.

As regards part (b) of the question, I am also informed that the enquiry into the circumstances of the accident has been completed and the Director of Public Prosecutions has on 01 July of this year, advised that departmental actions be instituted against the Police officers involved in this accident and in the circumstances of the case.

I am informed that the four officers concerned have been interdicted.

Mr Jhugroo: Mr Deputy Speaker, Sir, may I ask the hon. Prime Minister where matters stand with regard to a provisional charge of conspiracy to commit

forgery which was lodged against the Police Constable, A. M., before the District Court of Port Louis?

The Prime Minister: I just said, Mr Deputy Speaker, Sir, that the file was completed and sent to the Director of Public Prosecutions. He advised that there should be departmental actions instead of proceeding with the case and this has been looked into and the four officers have been interdicted.

NATION-BUILDING – NATIONAL CIVIC SERVICE

(No. B/719) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to nation-building, he will state if Government will consider setting up a compulsory National Civic Service for all citizens.

The Prime Minister: Mr Deputy Speaker, Sir, the advisability and desirability of setting up what the hon. Member is suggesting, a National Civil Service - I must say we canvassed internally on many occasions during the last elections as to whether we should have a National Civic Defence - we did not canvass on the National Civil Service, and also on other occasions, during various brainstorming sessions at our level, again, we canvassed the idea with a view to further consolidating the process of nation-building. This was in response to what we could see, the whittling down of moral, social and spiritual values in our society and also, I should say, a concurrent rise in anti-social behaviour and also a lack of discipline among some of our youth, even grown-up, a lot of lack of discipline in this country.

Nation-building has always been high on the agenda of my Government.

In the Government Programme, we have pledged to consolidate the long tradition of mutual respect, tolerance and understanding and to garner all our will-power and energy to shape a prosperous nation where our unique cultural mix would become a source of pride, inspiration and strength rather than a constraining factor in our development process. I have myself seized every opportunity to impress upon all our citizens the need to look beyond differences of race, class, creed and religion and to see ourselves first and foremost as Mauritians.

In fact, during the debate on the DNA Bill, Mr Deputy Speaker, Sir, I made reference to the fact that 99.9% of our genes are the same, whether we are an Eskimo, a Japanese, an Indian, an African or an European. We fight on 0.1%. We think we are different. In fact, we are all human beings. That is why – I again say it – I impress on our citizens on the need to look beyond differences of race, class, creed or religion and to see ourselves first and foremost as Mauritians.

This is precisely the reason why on acceding to power in July 2005, we took a commitment to focus and reinforcing our multiculturalism, celebrating our diversity and promoting patriotism and national unity. We have accordingly been working hard to build a country where there are opportunities for all. In fact, we passed the Equal Opportunities Bill, the Commission is in the process of – the members are being named, it is always difficult to find the right people, but this is being named, probably this week, where we want to have these opportunities for all where economic success will be characterised by equity and social justice. There are, Mr Deputy Speaker Sir, the conditions that we feel absolutely necessary for nation-building.

I am also informed that the Ministry of Youth and Sports organises regular programmes and activities such as the National Youth Achievement Award which comprise, *inter alia*, community service activities. The National Youth Council which was instituted in 1998 through an Act of Parliament has been involved in the organisation of several civic activities for youth club and organisations. Furthermore, the Social Welfare Division of the Ministry of Social Security undertakes regular community actions in terms of training for community development with the assistance of NGOs. All these initiatives are precisely geared towards promoting citizenship values and nation-building.

Mr Deputy Speaker, Sir, over and above the measures I have just enumerated, consideration is being given to the setting-up – either we have to look at it carefully whether it should be a National Civil Defence or a National Civic Service. It is a National Civil Defence whether it should be a voluntary service in its initial stage, at least. I believe that such a service can provide a framework to reinforce national identity and social solidarity and, at the same time, link the rights and responsibilities that go with the privileges of being Mauritian. It must be clear that wherever you have rights you also have responsibilities.

Such schemes already exist in many countries in varying forms, may be slightly different in each country. We would carefully draw inspiration from these models to evolve one that would be suitable for our own social and economic realities. A number of issues will have to be addressed, for example, whether the scheme arrested should be voluntarily or compulsory, what could be the target age group, the duration of the service, the number of participants to be enrolled each year. All these will have to be looked into.

Experiences elsewhere have demonstrated that such a carefully designed Service can bring significant contribution in enhancing the civic consciousness of young adults and will help to build a stronger society characterised by understanding, respect and lifelong engagement.

I am, therefore, all in favour of the idea, Mr Deputy Speaker, Sir. In fact, I can say that preliminary discussions - because we have brainstormed the issue before - have already started at the level of the Ministry of Finance, involving several Ministries, including the Attorney-General's Office on the introduction of such a service, whether, as I said, it should be a National Civil Defence or not.

We are also considering the advisability of seeking expertise from abroad in this endeavour.

Ms Deerpalsing: Mr Deputy Speaker, Sir, I would like to thank the hon. Prime Minister for his answer. Can I ask the hon. Prime Minister - I was thinking more for target group of people who are coming of age, that is, adults of 18 years old - whether before issuing ID cards to those at the age of 18, they could go for a programme at the end of which they would swear an oath of citizenship just to bind that civic consciousness? Can that be envisaged?

The Prime Minister: That is certainly something that we can envisage, Mr Deputy Speaker, Sir. Perhaps I should add that when people get their nationality, they apply for citizenship, especially foreigners who are taking the citizenship of Mauritius. I used to, in my first mandate, actually have a ceremony at Clarisse House and give them a copy of the Constitution and make them understand the importance that they have to be patriotic to the flag and to the country of

Mauritius. I must say we haven't done it recently because of time constraints. Maybe that is something again that I should restart doing.

Mr Lauthan: Mr Deputy Speaker, Sir, the hon. Prime Minister has mentioned several Ministries. But I think he would agree that one of the main Ministries which could make a difference in inculcating the spirit of nation-building would be the Ministry of Education. The hon. Prime Minister talked about young adults, but, I think, preventive action must be taken much earlier *en amont*. Will the Government be ready to review the curriculum at various levels to inculcate the right dosage of nation-building elements?

The Prime Minister: I did not mention, Mr Deputy Speaker, Sir, all the Ministries because there are some Ministries, but certainly the Ministry of Education is very much involved. I think it has started the work. We need also to make sure that the young know the values that they have to have in life and this is very important because we see this is lacking. It is not just a question of going to school and passing an examination. You must know about the values that you need to have and to defend in this country, especially patriotic values and, as I said, being responsible citizens.

Mrs Labelle: Mr Deputy Speaker, Sir, in this spirit of building the nation, will the hon. Prime Minister consider the introduction of community service for our youngsters in the curriculum as it is the case in some private schools?

The Prime Minister: As I said, this is being considered already at the Ministry of Education.

Mr Bodha: Mr Deputy Speaker, Sir, in view of the fact that such a service will strengthen the sense of belonging, the sense of sharing, of equality, with a shared vision and a future, I think, a lot would depend on the financial implications of such a project. May I ask the hon. Prime Minister whether this is being taken on board?

The Prime Minister: Mr Deputy Speaker, Sir, part of this has already been mentioned in our Manifesto and the Government-Programme and for something

like a nation-building, I don't think we should look at the constraint of finance and this will have to be found.

Ms Deerpalsing: Mr Deputy Speaker, Sir, in light of the questions asked about education, may I ask the Prime Minister - when we talk about education, what we see today is that a lot of people are opting out of the public schools, for example, middle-class people - whether people of different various social classes can come together in one group instead of being in their own schools and going through that community service? I was thinking of bringing people of different classes and ethnic groups together so that they have a common experience in the community service that has been proposed.

The Prime Minister: I think that again is a very good suggestion, Mr Deputy Speaker, Sir. We need to make sure that people mingle together so that it will enhance this idea of all of us being Mauritians.

CATAMARAN – HIJACKING

(No. B/720) Mr G. Gunness (Third Member for Montagne Blanche & GRSE) asked the Prime Minister, Minister of Defence and Home Affairs whether in regard to the hijacking of the catamaran on which Mr J. F. C. was a skipper, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in relation to the inquiry into the involvement of persons locally.

The Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Commissioner of Police that following the recovery of the trimaran registered under the name Patrol One, by the Malagasy Authorities, Interpol Mauritius requested Interpol Madagascar to trace J. F. C., the skipper of the boat and the two other passengers on board. Interpol Madagascar has informed that searches are still underway to locate these persons but so far they have failed to locate them.

I am also informed by the Commissioner of Police that in the course of the enquiry being conducted into the matter, 10 persons have been interviewed by the Police. On the return of the boat to Mauritius also, it has been examined for evidence by the Forensic Science Officers, the Scene of Crime Officers, Draughtsman and Photographer. Enquiry into the case is still in progress.

Mr Bérenger: I think I heard the hon. Prime Minister Say that since that boat has returned from Madagascar, 10 persons have been interviewed by the Police. Does that mean that during that lapse of time, between the disappearance of that boat and its coming back, there was no local inquiry - and it can't be. Then, can I ask the hon. Prime Minister whether he is aware that in the family of the victim, there is a feeling that this local inquiry concerning possible accomplices, taxis or whatever was not done seriously?

The Prime Minister: Mr Deputy Speaker, Sir, maybe I said it too quickly. The 10 persons who have been interviewed by the Police were interviewed before the return of the boat; maybe I said it too quickly. Afterwards when the boat came to Mauritius, it was then examined by the Forensic Science Laboratory. As for whether other people should have been interviewed, I can ask the Commissioner of Police to see to it whether there was a rigorous investigation. 10 people, as I have said, have been interviewed by the Police and the Police is still inquiring into the matter.

Mr Guinness: Can I have from the hon. Prime Minister - I am not going to ask for the name obviously - whether the driver of the taxi, in which the fugitives travelled, has been interviewed?

The Prime Minister: I only have the names of the persons here, Mr Deputy Speaker, Sir, but, yes, I can say that the taxi driver has been interviewed.

NON-PAYMENT OF FINE – IMPRISONMENT – 01.07.05-30.06.09

(No. B/721) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to persons who have been imprisoned for non-payment of fine, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, since July 2005 to date.

The Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Commissioner of Prisons that during the period 01 July 2005 to 30 June 2009, the

number of persons who were imprisoned in default of payment of fine and costs is as follows –

Period	No. of Persons
July – December 2005	379
2006	907
2007	987
2008	1343
2009 (As at 30 June)	654

Mrs Jeewa-Daureeawoo: I thank the hon. Prime Minister for his answer. I have one supplementary question. Very often, warrants of arrest for non-payment of fine are being issued with force in the early hours of the morning. Is the hon. Prime Minister aware that, as per the Annual Report on the Human Rights Commission, suggestions have been made that warrants for non-payment of rent should not be issued outright, but as a last resort and, in the first instance, maybe we can warn the offender that payment of fine has not been effected. May I know what the feeling of the hon. Prime Minister is as regards the suggestion made by the Human Rights Commission? Is Government in that direction?

The Prime Minister: First of all, I would like the hon. Member to clarify for me. When the hon. Member is talking about rents, is she talking about people who rent or is she talking generally about the fines that they had to pay?

Mrs Jeewa-Daureeawoo: The fines.

The Prime Minister: If it is the fines, yes. I did see this remark made in the report of the Human Rights Commission. But I have been told that, very often, what happens if you go on normality, you can never find the person, that is why they try to get them early in the morning or whatever, but my view is, if they have been fined, they have to know that they have to pay. They cannot go against what the courts have said.

Mr Dowarkasing: I can understand that the delay for the payment of these fines is seven days. At least, can the hon. Prime Minister look into extending that to, at least, a minimum of 15 days, so that these people have ample time to organise themselves to pay their fines?

The Prime Minister: I can pass on that suggestion.

POLICE VEHICLES – REPAIRS & SERVICING - EXPENSES

(No. B/722) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the police vehicles, he will, for the benefit of the House, obtain from the Commissioner of Police, details of the expenses incurred for the repairs and servicing thereof, since December 2008 to date.

The Prime Minister: Mr Deputy Speaker, Sir, with your permission, I am tabling a statement giving the information requested as provided by the Police.

I am informed by the Commissioner of Police that the service provided by local agents, however, is of a high quality. In fact, according to the Police, with the introduction of the new repairs, maintenance and servicing policy, the vehicles lying idle, as well as the frequency of breakdowns have been significantly reduced. The roadworthiness and operational effectiveness of vehicles have thus improved considerably.

Mr Barbier: Can we know from the hon. Prime Minister, at least, which are these local agents who are dealing with the Police Department for repairs and servicing of the police vehicles? Can we have an indication of the amount paid for this period to each of the local agents he mentioned?

The Prime Minister: I should say, Mr Deputy Speaker, Sir, we don't choose who are the local agents. In fact, the policy is: whatever make the motorcar or the motorcycle is, it is that agent who will provide the services.

In other words, if the hon. Member looks at the list of agents, he will see ABC Motors, Toyota, Iframac, Man Hin, Emcar, Axess, Kalachand and others, whoever provides either motorbikes like Honda, Yamaha or whatever, or cars whether it is a Mercedes, Toyota, Datsun or whatever, it goes back to the dealer.

The other point is the total expenses as compared – so far, we have spent 57% of the total amount that was earmarked during the financial year 2008/2009. Mr Deputy Speaker, Sir, we think it could well be slightly higher. We are not sure yet. We have to wait for one year because the police garage was only closed on 01 October. It was a transition period, as you know, for these cars. So, we have to get the figures for the year and then we can compare.

Mr Bhagwan: Can I know from the hon. Prime Minister whether, apart from the main local agents, whether there are registered workshops at the Ministry which are being engaged for repairs by the Police Department.

The Prime Minister: Not as far as I know, Mr Deputy Speaker, Sir. I should say perhaps, Mr Deputy Speaker, Sir, apart from what I have said that we are ensuring also that, for example, we don't keep spare parts anymore, it is the agents who have to keep spare parts; it is the agents who actually provided the vehicles in the first place. They are the ones who are keeping the spare parts. There is a warranty that goes with it. That is why it goes back to the agent who provided for the car or for the motorbike.

STREETS – HARASSMENT CASES

(No. B/723) Mrs M. Martin (Second Member for Curepipe & Midlands) asked the Prime Minister, Minister of Defence and Home Affairs whether in regard to the harassment of persons on the streets, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, since July 2005 to date, indicating the measures taken to prevent same.

The Prime Minister: Mr Deputy Speaker, Sir, I am informed that there is no offence of 'harassment of persons on the streets' in our Criminal Law. However, if the hon. Member has in mind, which I think that is what he has in mind, whether it is a conduct whereby a person doing his business in the street is troubled or annoyed by another person, such a conduct might come under a different classification. It might be an offence of "Assault"; it might be an offence

of “Rogue and Vagabond” or other offences under the Criminal Code Act. So, there is no such offence as harassment. There is no figure that I can give for harassment. But if the hon. Member were to ask a question under a different group, I can give it to him.

Mrs Martin: Thank you, hon. Prime Minister. Mr Deputy Speaker, Sir, may I ask the hon. Prime Minister because it has come to my attention that very often, especially girl students, coming out of schools, after school hours or before going to school, are troubled by people on the streets. Would it be possible for the Prime Minister to look into the possibility of speaking to the Commissioner of Police, to see how these behaviours can be attended to because these young people are very often scared as to the reactions of the people who are harassing them. Since that is not included in the law, is there any support that can be provided to them?

The Prime Minister: What I said was: harassment as such is not included in our criminal law, but there are others; that is why I said, if the hon. Member asks a specific question on the different headings, whether it is assault, whether it is rogue and vagabond or other things, it is all covered. It is not that it is not covered, but it is not under harassment. I will certainly ask the Commissioner of Police to look into the matter further.

MINORS & STUDENTS – ALCOHOLIC BEVERAGES - SALE

(No. B/724) **Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the sale of alcoholic beverages to minors and students, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of cases of retailers who have been booked in relation thereto since January 2007 to date.

The Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Commissioner of Police that during the period January 2007 to 02 July 2009, the Police has booked nine retailers for the offence of “Selling Liquor to Minor”. Eight cases are already before the court, one case is still under inquiry.

Mrs Dookun-Luchoomun: The hon. Prime Minister may be aware that this is the tip of the iceberg and that many cases are not reported since it deals with young children and minors. May I ask the hon. Prime Minister whether he could speak to the Commissioner of Police so that the *Brigade des Mineurs* could see to it that shopkeepers are sanctioned? Because there must be many more cases, we are looking at the number of cases we are having in schools where children are consuming alcohol.

The Prime Minister: The problem is always the manpower or the womanpower, if I may say so. We cannot come to a situation where I will have to put one Policeman for every person in this country. There are already 1.3 m. nearly. But we will try our best on what possibility that we have.

The Deputy Speaker: Hon. Jhugroo, do you have any question? No! The Table has been advised that PQ Nos. B/727, B/729, B/730 and B/737 have been withdrawn. Next question, hon. Mrs. Hanoomanjee!

DOGS (FEROCIOUS) – ATTACKS - REPORTED CASES

(No. B/725) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Prime Minister, Minister of Defence and Home Affairs whether in regard to attacks by ferocious dogs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, in which members of the public have been victims, over the past four months.

The Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Commissioner of Police that 38 cases of attacks by dogs on members of the public, including two on public beaches, have been reported over the past four months. Out of these 38 cases, 34 are pending enquiry, three are before the courts and one has been classified.

I wish to inform the House that the Ministry of Agro Industry, Food Production & Security is having consultations with the Attorney-General's Office for a revision of the existing legislation with a view to setting up control mechanisms regarding breeds of dogs which are considered as being dangerous dogs.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, can I ask the hon. Prime Minister – I think it was some time in 2007, I made a suggestion to the effect that when owners of dogs take them for a walk that the owners should, at all costs, be compelled to put muzzles to the dogs – whether this suggestion had been retained and where matters stand with regard to this suggestion?

The Prime Minister: I can't say, in all honesty, whether this measure has been retained. I remember the hon. Member making that suggestion. I will pass it on again.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, in case where dog shows are organised and where members of the public participate and attend and even in high numbers with children, can the hon. Prime Minister say whether there are security norms which exist where the Police has compulsorily to be informed?

The Prime Minister: I take it that the hon. Member is referring to what the MSPCA...

(Interruptions)

As I said, I suppose the hon. Member is referring to them, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: Order, please!

The Prime Minister: When they organise, they tell the Police and they also take all sorts of precautions when they do that.

Mr Bérenger: Maybe I heard the hon. Prime Minister wrongly, but I thought I heard him say that the Minister of Agriculture is in discussions with the Attorney-General's Office and the MSPCA concerning what the degree of dogs will be classified as dangerous. But does not the hon. Prime Minister think - being

given the number of cases and this affects tourism as well - that we should review the penalties provided for?

The Prime Minister: In fact, for importation, for example, there is already a list of breeds of dogs which are known to be potentially aggressive and which are strictly forbidden to be imported in Mauritius. That is the first thing. And the second thing is I should say also that we are now catching about four times more stray dogs than we were catching formerly.

Mr Bhagwan: Last time, I raised the issue of security on health tracks. Again this question relates to ferocious dogs on health tracks. There are many health tracks at Rose Hill or even on Signal Mountain where women and old persons go. These people bring their dogs in the morning and the Police, even when they are called upon, does not act. We don't know whether there is no legislation or whether there is a problem of manpower. Can I ask the hon. Prime Minister to ask the Commissioner of Police to, at least, have specific attention on these health tracks with regard to these ferocious dogs which attack the old persons, even women attending these health tracks, especially in the morning?

The Prime Minister: I will ask the Commissioner of Police to look into that, Mr Deputy Speaker, Sir.

Mr Ganoo: Doesn't the hon. Prime Minister think that, in fact, the problem is reviewing the substantive law? Because however ferocious a dog is and whatever injuries somebody suffers, the offence is allowing animal to stray which is visited by a small fine and this is what happens in our courts of law. So, the victims report the matter to the Police and then the Police prosecutes the owner for an offence called 'allowing animal to stray', which is visited by a small fine. So, the solution would be perhaps to review the substantive law.

The Prime Minister: This is being reviewed, as I said, between the two Ministries. They are looking at the whole review, including the review of fines.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, since the Prime Minister has mentioned that there is a committee at the level of the Ministry of Agriculture

which is dealing with the issue, can I ask him to consider making it compulsory for pedigree dog breeders to follow a course in *capacité de l'élevage* as it is being done in France?

The Prime Minister: This, in fact, should be made like any other profession; we should have regulations because people think here anybody can go and start breeding dogs. This is something that we have to look into. The other danger is inter-breeding; this is very dangerous.

The Deputy Speaker: Time is over! Questions addressed to hon. Ministers! The Table has been advised that Parliamentary Questions Nos. B/738, B/756, B/769, B/774 and B/775 have been withdrawn. Hon. Mrs Martin!

CHEMIN FRANÇAIS, BELLE RIVE – REPAIR WORKS

(No. B/738) Mrs M. Martin (Second Member for Curepipe & Midlands) asked the Minister of Local Government, Rodrigues & Outer Islands whether in regard to the proposed repair works to be carried out at the *Chemin Français*, in Belle Rive, he will, for the benefit of the House, obtain from the Moka/Flacq District Council, information as to the estimated cost thereof, indicating when works are expected to start.

(Withdrawn)

ABORTION – STAKEHOLDERS - DISCUSSIONS

(No. B/739) Mrs M. Martin (Second Member for Curepipe & Midlands) asked the Minister of Women's Rights, Child Development and Family Welfare whether in regard to abortion, she will state the outcome of the recent discussions held with the various stakeholders.

Mrs Seebun: Mr Deputy Speaker, Sir, in my reply to PQ No. B/121, I informed the House that my Ministry would kick-start a debate on the issue of abortion.

On 29 April 2009, a Consultative Session was accordingly held with different stakeholders with a view to listening to the divergent views and gathering information from all quarters concerned on the issue.

The session was attended by 51 participants from Women's Association, Socio-Religious Bodies and the Civil Society; Rodrigues was represented during this Consultative Session by the Commissioner for Social Security, Women's Affairs, Child Development & Family Welfare, Rodrigues. Hon. Minister Mrs Bappoo, the Attorney-General, hon. J. Valayden and hon. Mrs Dookun-Luchoomun were also present.

Mr Deputy Speaker, Sir, during the session, I stressed upon the fact that all policies formulated by my Ministry have always been guided by international and regional instruments geared towards the promotion of gender equality and empowerment of women and that significant progress has been made in that respect.

The participants expressed divergent views. Given that no consensus was reached on that day, stakeholders were invited to submit their proposals in writing to my Ministry by 31 May 2009, at latest. As at date, my Ministry has received only 17 submissions, the majority of participants have not yet submitted inputs.

Mr Deputy Speaker, Sir, being given that the issue of abortion has to be considered from a social, medical and legal perspective, submissions received have been forwarded to the Ministry of Health & Quality of Life and the Attorney-General's Office to facilitate further consultations.

The House would agree that 17 submissions do not significantly reflect the views of the whole population. Hence, the need for wider consultations is greatly felt at this stage.

Mrs Martin: Mr Deputy Speaker, Sir, the Minister mentioned that 17 submissions are not sufficient. May I ask her, in her opinion, how many submissions would be sufficient?

The Deputy Speaker: Questions as to opinions are not allowed according to the Standing Orders.

Mrs Martin: Mr Deputy Speaker, Sir, can I ask the hon. Minister how she would consider going forward with the submissions that have been given? If they are not enough, when would she be willing to go forward, as from what level and what number of submissions?

Mrs Seebun: Mr Deputy Speaker, Sir, I am waiting for the other inputs to come and, ultimately, we shall have further consultations. Regarding the question about how many representatives do I need, my Ministry has to be satisfied that the whole nation has expressed its views. It is only then that we are going to legislate it.

Mrs Martin: Mr Deputy Speaker, Sir, I believe the hon. Minister has now sent the submissions to the Ministry of Health. Can she say now what is the next step she is envisaging?

Mrs Seebun: At this point in time, I cannot expect the Ministry of Health or the AG to take up any action. Just like my Ministry, they are also waiting for further inputs so as to reach a consensus on further actions.

Mr Varma: Mr Deputy Speaker, Sir, the hon. Minister has stated that the feeling is that there should be wider consultations. Could she inform the House whether there is a framework which has been set up by her Ministry for wider consultations?

Mrs Seebun: The Gender Unit and the Family Unit are currently working on procedures.

Mrs Perrier: Mr Deputy Speaker, Sir, as legislator, here, in the House, we are the first concerned. Can I ask the hon. Minister if it is possible to have a copy of the Minutes of Proceedings of the meeting held?

Mrs Seebun: Mr Deputy Speaker, Sir, as I said earlier, let us have all the inputs and then we can think whether this is envisageable. At this point in time, I do not wish to commit myself.

Mrs Labelle: Mr Deputy Speaker, Sir, may I ask the hon. Minister what are the mechanisms her Ministry has put in place to receive the inputs and from whom is she expecting these inputs?

Mrs Seebun: I must say, Mr Deputy Speaker, Sir, that officers of my Ministry have taken significant pain in calling personally each of the 51 members so as to get their inputs. I think this is sufficient enough. We are liaising personally with all the 51 participants to come forward and give their inputs.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether she intends proposing that in certain specific cases, for example, in the case of victims of rapes and in incest cases, whether she intends ...

The Deputy Speaker: Hon. Member, this does not arise from the question. It is about the outcome of consultations.

(Interruptions)

I am not allowing this question. Hon. Mrs Martin!

Mrs Martin: Mr Deputy Speaker, Sir, the hon. Minister is saying all the time that she is awaiting the 51 submissions? If she does not obtain the 51 submissions, has she, at least, stopped up to a time frame in order to be able to proceed further, otherwise, the question will not go forward as she understands?

Mrs Seebun: I have received 17 submissions so far and the time frame given was 31 May. I guess it is very improper to just stop all further inputs to come to my Ministry. It won't be elegant to do so I guess.

**UNESCO OFFICE – STAFF – TERMS AND CONDITIONS OF
EMPLOYMENT**

(No. B/740) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether in regard to the UNESCO Office of Mauritius in Paris, he will -

(a) give a list of the staff posted thereat, indicating their respective grades and terms and conditions of employment,

(b) state the amount of money spent on -

(i) rent;

(ii) telephone;

(iii) transport/travelling;

(iv) overtime;

(v) ceremonials/receptions, since its coming into operation to date, and

(c) state the name of the Ambassador posted thereat, indicating his/her present terms and conditions of appointment.

Dr. Boolell: Mr Deputy Speaker, Sir, the Office of the Permanent Delegate of Mauritius to UNESCO in Paris is operational as from April 2006 and the staff comprise one first Secretary and one second Secretary whose terms and conditions of employment are similar to other officers of the diplomatic cadre posted overseas and in accordance with PRB Report 2008. There are also three local recruits employed as Confidential Secretary, Secretary/Administrative Assistant and Driver respectively. Their terms and conditions of employment are governed by the prevailing local legislation.

As regards part (b) of the question, I am advised that as per records an amount of Rs17.4 m. has been spent up to 30 June 2009 on rent, telephone, travelling/transport, overtime and ceremonials/receptions since the coming into operation of the Office of the Permanent Delegation in April 2006.

As for part (c) of the question, Mrs Indira Savitree Thacoor-Sidaya is posted as Permanent Delegate at the Office of the Permanent Delegation, UNESCO since April 2006. She is still employed on a contract basis of three years which began as from 14 April 2006. Her contract has been extended up to the 35th UNESCO General Conference and the election of a new Director-General.

The terms and conditions of the staff and the Permanent Delegate and detailed expenses incurred are being tabled.

Mr Gunness: Mr Deputy Speaker, Sir, the hon. Minister lumped all the sums into one, that is, Rs17.4 m. Can we know from him the amount for rent, telephone, transport/travelling, overtime and ceremonials/receptions separately?

Dr. Boolell: Mr Deputy Speaker, Sir, the relevant information will be circulated.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, the hon. Minister has just mentioned that the contract of Mrs Thacoor-Sidaya has been extended further till another UNESCO Conference. During budget time, it was stated that with a view to reducing costs some Ambassadors will be called back. Can I ask the hon. Minister whether this matter, that is, the next UNESCO Conference, cannot be dealt with by our Embassy in Paris?

Dr. Boolell: As I have stated, the Embassy in Paris will be accredited to UNESCO. When the time comes, we will designate a specific person to deal with the UNESCO.

Mr Jhugroo: Mr Deputy Speaker, Sir, can I know from the hon. Minister the time frame when these information will be circulated?

Dr. Boolell: Mr Deputy Speaker, Sir, the information will be made available and appropriate information will be circulated.

Mr Jhugroo: Mr Deputy Speaker, Sir, very often, I hear from the hon. Minister that the information will be compiled. I know that he works like Dalton brothers. Can I ask him for this case, whether he can act faster than Lucky Luke?

Dr. Boolell: Mr Deputy Speaker, Sir, I am not in the habit of replying to nincompoops.

CREVE COEUR - ROADS – UPGRADING

(No. B/741) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware that several roads in Crève Coeur are in bad state and, if so, will he, for the benefit of the House, obtain from the Pamplemousses/Rivière du Rempart District Council, information as to if consideration will be given for the upgrading thereof.

Dr. David: Mr Deputy Speaker, Sir, I am informed by the Pamplemousses/Rivière du Rempart District Council that several roads in Crève Coeur have been damaged during heavy rainfall due to the topography of the region.

I am informed that the Council has earmarked patching works along the lane lying off Rivalland Road and a complete resurfacing of the Shrimati Indira Gandhi Road by August this year. However, I am informed that the National Development Unit is proposing to undertake the construction and resurfacing of Busgeet, Teeluck, Tamil Temple and Temple Lanes and Dookun Mahasay Road.

I wish to recall that at the request of hon. Mrs Juggoo, several roads in that area have been tarred, partly tarred or about to be tarred.

QUATRE BORNES – CEMETERY – CONSTRUCTION

(No. B/742) Miss K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Housing and Lands whether, in regard to the acquisition of land for the construction of a cemetery in the vicinity of Quatre Bornes, he will state where matters stand.

Dr. Kasenally: Mr Deputy Speaker, Sir, a site of 10 arpents at Pierrefonds was initially identified for a cemetery in the region of Quatre Bornes. However, it was not found to be suitable as it lies in a very sensitive zone within an important aquifer system.

Another site has now been identified at Bassin, within the council area of Vacoas-Phoenix which is easily accessible from the Pierrefonds roundabout. The different stakeholders are being consulted as regards the suitability of the site.

Thereafter, action will be initiated for its acquisition from the Medine Sugar Estate Co. Ltd and its eventual vesting with the Ministry of Local Government, Rodrigues and Outer Islands for the purpose of constructing a cemetery.

Ms Deerpalsing: Mr Deputy Speaker, Sir, further to the answer given by the hon. Minister, I would like to know whether he could indicate the size of the plot of land that has been identified and whether he is aware that in particular the Muslim community, the representatives of various Mosques are really eager to find that site because the situation is becoming very untenable in Quatre-Bornes?

Dr. Kasenally: Mr Deputy Speaker, Sir, I am very much aware of the constraints of people of Quatre-Bornes to have a cemetery and I have been doing my best, but, in fact, the whole process was delayed because we could not find the proper site. Every effort is being made and I am hoping that within the next two months the project will come to fruition.

Ms Deerpalsing: Mr Deputy Speaker, Sir, I know that the hon. Minister is always very keen to collaborate and I thank him for that. May I ask him whether he would be agreeable to call all the representatives of the Mosque of Quatre-Bornes together with the Members of Parliament and the two Vice-Prime Ministers with all the representatives to explain what the course of action is?

Dr. Kasenally: I shall, Mr Deputy Speaker, Sir.

AVENUE PASTEUR, BEAU SEJOUR - DRAINS - CONSTRUCTION

(No. B/743) **Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Environment and National Development Unit whether, in regard to the request made by the Beau Séjour Mosque for the construction of drains along Avenue Pasteur, in order to prevent the flooding of the Mosque during heavy rainfalls, he will state where matters stand.

Mr Bundhoo: Mr Deputy Speaker, Sir, I wish to inform the hon. Member that representations have indeed been made to the Municipal Council of Quatre Bornes regarding the accumulation of water along Pasteur Avenue near the Mosque.

I am advised by the Municipal Council of Quatre Bornes that a drain over a length of 283 metres has to be constructed along Pasteur Avenue and Cassidy Avenue at an estimated cost of around Rs2 m. The NDU's Consultant will carry out a survey along both Avenues and submit its proposal for implementation by the National Development Unit.

Ms Deerpalsing: Mr Deputy Speaker, Sir, in previous cases we have had site visits by NDU people and they have been saying that they want to construct the drain on the right side of the road whereas the Mosque is on the other side and all the water flows into the Mosque when there is heavy rain. May I ask the hon. Minister whether he could organise a site visit with the appropriate NDU people together with the presence of the representatives of Beau Séjour Mosque so that we can ascertain where exactly that drain should be constructed?

Mr Bundhoo: Mr Deputy Speaker, Sir, may I assure the hon. Member that I have only had a preliminary report whereby the drains would be constructed at the site that has been requested and along which the water would be drained into the irrigation canal near the Mosque, but, nonetheless, I shall be pleased to organise a visit with the consultant of the NDU.

MULTI-ANNUAL ADAPTATION STRATEGY – ACTION PLAN - IMPLEMENTATION

(No. B/744) **Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Agro Industry, Food Production and Security whether, in regard to the mid-term review of the Multi-Annual Adaptation Strategy, he will state if the –

- (a) exercise has started, and
- (b) “cane cultivation agreement” suggesting that planters should sell their standing cane, will be withdrawn, following the request of the small planters.

Mr Faugoo: Mr Deputy Speaker, Sir, the Multi-Annual Adaptation Strategy Action Plan covering the period 2006 - 2015 provides that a mid-term review of the plan would be carried out in 2009. In fact, before the Multi-Annual Adaptation Strategy Action Plan was implemented, major changes have been brought thereto following the negotiations which the hon. Prime Minister had personally conducted with the MSPA which led to the conclusion of the deal on the sugar reform in December 2007.

Many measures contained in the MAAS have been and are being implemented. However, a review of these measures is important to identify shortcomings and to take corrective measures. My Ministry will, therefore, initiate action for the review of the MAAS.

With regard to part (b) of the question, paragraph 94 (viii) of the MAAS provides for the introduction of voluntary and negotiated cane cultivation agreements between the planters and the millers. I am informed by the Control Board that there has been no such agreement signed between the small planters and the millers so far. In any case, the agreement is supposed to be voluntary and there is, therefore, no obligation for small planters to sign such an agreement. However, this matter will be reconsidered in the context of the mid-term review exercise.

Ms Deerpalsing: With regard to the cane cultivation agreement, it is true that it appears in paragraph 93(5), but there are five different paragraphs 93, 94, 96, 103, 105 at the same cane cultivation agreements which come up again and again and to culminate in paragraph 105 where it is said that the management of regrouped units will be best done by millers. This is why the small planters have protested against the fact that they themselves cannot do it. Although it is said that this particular cane cultivation agreement is voluntary here, may I ask the hon. Minister whether there will be a total review in the five different paragraphs so that

it doesn't appear as if it is - although it is said that it is voluntary - forcing towards that way.

Mr Faugoo: As I said, Mr Deputy Speaker, Sir, it will be reviewed.

Ms Deerpalsing: Mr Deputy Speaker, Sir, not long ago, even a couple of people in the press have said that nothing has changed. May I ask the hon. Minister whether he will make sure that the mass is reviewed in the sense that the six power plants that are earmarked there are reviewed because this has now been done with the agreement reached by the Prime Minister.

Mr Faugoo: This should be taken on board.

Mrs Hanoomanjee: In the context of the review of the MAAS, can I ask the hon. Minister when consultations are starting, whether he proposes to ask for comments generally from the planting community or whether he will convene only those groups in cooperatives or in certain associations?

Mr Faugoo: We will have to work out a mechanism, Mr Deputy Speaker, Sir. There is provision for the mass report to be reviewed, but there is no provision as to how we are going to proceed. We have to work out a mechanism.

Ms Deerpalsing: Actually in paragraph 37 - as the hon. Minister has said - it is for the mass to be reviewed in its implementation and relevance to market environment. Now that the sugar industry is selling refined sugar directly to the shelf in Europe, may I ask the hon. Minister whether he will also envisage conducting a review of the whole operations of the Mauritius Sugar Syndicate?

Mr Faugoo: In light of the new sector, that is, upgrading, shifting from sugarcane to cane, a sort of clustering we have to review the function of the syndicates.

PLAINE VERTE – JARDIN DE LA CONCORDE – SPORTS COMPLEX

(No. B/745) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the proposed construction of a sport complex on the premises of the *Jardin de la Concorde* in Plaine Verte, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to where matters stand.

Dr. David: Mr Deputy Speaker, Sir, I am informed by the Municipality of Port Louis that there has been no proposal to construct a sports complex on the premises of the *Jardin de la Concorde* in Plaine Verte.

Mr Lauthan: I note that with satisfaction because I've got letters from a federation of NGOs where mention is made that at a meeting with the Lord Mayor, it was said that it was the intention of the Municipal Council to erect a sports complex in the bazaar and that would be a catastrophe, it would be against Government policy, of *Maurice Ile Durable* because the Plaine Verte garden and the Companies Garden are the only two public gardens in the city of Port Louis.

Dr. David: Mr Deputy Speaker, Sir, we've done a lot at *Jardin de la Plaine Verte*, a lot up to now. As I have said, there has been no proposal - official or unofficial - from the Municipality of Port-Louis that a sports complex be constructed there.

At 1.00 p.m. the sitting was suspended.

On resuming at 2.35 p.m. with the Deputy Speaker in the Chair.

MERCHANT NAVY CLUB – PULLING DOWN

(No. B/746) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Minister of Education, Culture & Human Resources whether he is aware that the Merchant Navy Club is being pulled down and, if so, will he state if

—

- (a) it forms part of the buffer zone of the Aapravasi Ghat, and
- (b) any objection has been received in relation to the said pulling down.

Dr. Bunwaree: Mr Deputy Speaker, Sir, I was made aware of the pulling down of the Merchant Navy Club by the Aapravasi Ghat Trust Fund on 20 June 2009.

Following a site visit effected by officers of the Aapravasi Ghat Trust Fund at the Merchant Navy Club on 20 June 2009, the reasons put forward by the Mauritius Sailors' Home Society, the managing body of the Merchant Navy Club, for this demolition, were that the building was in a derelict state and was on the verge of collapsing and had become a threat to the immediate neighbourhood and environment. Consequently, this situation had left them with no option but to demolish the structures that had already fallen apart, the more so as the building was not insured, as no insurance company was willing to provide a cover due to its derelict state.

With regard to part (a) of the question, the Aapravasi Ghat Trust Fund has confirmed that the land on which stands the Merchant Navy Club forms part of the buffer zone of the Aapravasi Ghat.

Regarding part (b) of the question, Mr Deputy Speaker, Sir, the answer is no.

However, on 11 June 2009, after having been verbally informed by a member of the Seafarers' Welfare Fund of the sale and demolition of the Merchant Navy Club, the Aapravasi Ghat Trust Fund informed my Ministry of same and

lodged an objection to the Municipal Council of Port Louis, through a letter dated 12 June 2009, expressing its deep concern thereto, and requested the Municipality to take action to prevent the demolition of that building in view of its historical value.

The Municipal Council of Port Louis, replying to the Aapravasi Ghat Trust Fund on 24 June 2009, informed that the Council had taken cognizance of the partial demolition of the Merchant Navy Club with much regret, and that the Council did not receive any request for demolition nor had it authorised same. The Council also indicated that it had no enforcing power to prevent any further demolition, and informed the Aapravasi Ghat Trust Fund to apply to the Supreme Court for an injunction prohibiting any further demolition of the Club.

I am further informed that the Aapravasi Ghat Trust Fund has sought legal advice on the course of action to be followed. The legal advice obtained is to the effect that the Aapravasi Ghat Trust Fund has no *locus standi* to go for prohibition of demolition.

Mr Deputy Speaker, Sir, as matters stand, it is most unfortunate that we have not been able to prevent the demolition of the historic building. This is due to the time taken for the preparation of the Planning Policy Guidance. As Minister responsible, I have given instructions for the speedy implementation of the Planning Policy Guidance for the management of the buffer zone.

The Aapravasi Ghat Trust Fund is presently working on the Planning Policy Guidance for the buffer zone of the Aapravasi Ghat World Heritage Site, with the support of a South African Heritage Consultant, Professor Karel Bakker. I am informed that about 80% of the works have been completed. Professor Bakker is expected in Mauritius on 19 July 2009 to finalise the document. During his visit, he will hold a consultative meeting with the stakeholders of the Buffer Zone to sensitise them on the very purpose of the Planning Policy Guidance. Upon finalisation of this document, the buffer zone will be declared a heritage area, and any development within that area will be controlled.

In the meantime, on 16 July 2009, a booklet on the buffer zone of the Aapravasi Ghat World Heritage Site will be launched to sensitise the stakeholders

and the public in general about the Planning Policy Guidance applicable in the buffer zone.

Mr Barbier: Mr Deputy Speaker, Sir, this Merchant Navy Club was set up as far back as 1857, when the Finance Committee of the *conseil législatif de Maurice adopta cette recommandation et vota 5,000 piastres pour l'institution de la Mauritius Sailors Home Society* qui avait eu la responsabilité de tout mettre en place. Ce Merchant Navy Club fut créé par le gouvernement mauricien de l'époque, à travers le conseil législatif. Etant donné cette situation, pourrais-je savoir si le gouvernement n'a rien à dire par rapport à cette démolition qui est maintenant en cours, étant donné que c'est un projet qui fut mis en place par les autorités gouvernementales d'alors ?

Dr. Bunwaree: It is most unfortunate, Mr Deputy Speaker, Sir, but I have tried to give all the information that I have concerning this sad incident. Of course, there is a void, because of this planning guidance not having been prepared yet, and we are doing our utmost best to go as quickly as possible.

To reply to the question of the hon. Member, I can inform the House that the Ministry is working in close collaboration with all the stakeholders, to see what is the best that we can do to try to do some sort of repair, if not, at least, for the memory to stay there.

Mr Bérenger: The hon. Minister has confirmed that the Merchant Navy Club falls within the buffer zone. Will the Minister agree with me that, obviously, what should have been done a long way back after the UNESCO had approved this site and Le Morne would have been to produce regulations, prohibiting the action, demolition, whatever action within the buffer zone? Can we know why this was not done? Better late than never! Are we going to do that urgently, have regulations published in the Government Gazette to protect the buffer zone of Apravasi Ghat and of Le Morne?

Dr. Bunwaree: Yes, Mr Deputy Speaker, Sir, it is a very complicated matter because we have the guidelines set up by UNESCO. We have also to work on the document that I have just mentioned and we have had to take the consultancy of a foreign expert to help us. It is still not ready. I have said 80% of the work is done

and we are expecting to finish it as soon as possible, but I do agree with the hon. Member that we have to do something urgently.

Mr Lesjongard: Can the hon. Minister, at least, give us an indication of the extent of the buffer zone around the Aapravasi Ghat?

Dr. Bunwaree: I cannot give an indication of the extent of the buffer zone offhand, but, I think it is approximately two kilometres around the Aapravasi Ghat.

Mr Bodha: Mr Deputy Speaker, Sir, in view of the fact that the hon. Minister said that the Aapravasi Ghat did not have the *locus standi* to challenge the demolition of the monument, may we know who has the *locus standi* to challenge the demolition of any national monument so that such blunders do not happen in the future?

Dr. Bunwaree: I did not get the gist of the question.

The Deputy Speaker: Maybe, we could allow him to repeat it. Yes, hon. Bodha?

Mr Bodha: May we know who has the *locus standi* to challenge the demolition of any national monument in the future?

(Interruptions)

Dr. Bunwaree: Aapravasi Ghat? I cannot say who has got the responsibility. We are looking into all the aspects, not only for the Aapravasi Ghat, but for Le Morne and the other heritage sites as well.

Mr Bhagwan: Can Government see to it with the promoters or the owners, or even through the Municipality which is the local authority that insofar as reconstruction, at least, the architectural design be made in such a way as to make

it - not as it was before, but, at least, to keep the architectural design - as it was originally as far as possible?

Dr. Bunwaree: I think I have replied already. I have said that we are trying to see what can be done to, at least, keep the memory of the building.

Mrs Martin: Mr Deputy Speaker, Sir, the hon. Minister said that problems regarding demolition have to be - especially national monuments - urgently addressed. May I ask the hon. Minister what are the immediate measures that he is envisaging in order to prevent the recurrence of such happenings?

Dr. Bunwaree: Once the policy guidelines are obtained, there will be no difficulties. We are going to have regulations as the hon. Leader of the Opposition mentioned and then there will be the implementation. We will make sure that we enforce whatever is in the guidelines.

Mr Lesjongard: In his reply, the hon. Minister stated that the building was pulled down, the reasons being the poor condition of the building and the danger it represented. Can we know whether there was an expert assessment regarding the condition of the building and whether when the Municipality of Port Louis was informed that the building was being demolished, the city engineer submitted a report to confirm the condition of the building?

Dr. Bunwaree: I do not think that they had time to do it, Mr Deputy Speaker, Sir, because I mentioned the dates. In fact, the Aapravasi Ghat reacted immediately as they got the first verbal information and then the Municipality of Port Louis was informed. They tried - I believed - to do what they had to do, but, unfortunately, it went so quickly and no permission was asked for. In fact, no permission is supposed to be asked for demolition of buildings, but it so happened.

Mrs Perrier: The hon. Minister mentioned the historical dimension of the building. Can he confirm whether the Heritage Trust Fund was aware of the pulling down and did they give their view on that demolition?

Dr. Bunwaree: No, I think in the main reply I have already given the reply to this question.

Mr Barbier: Is the hon. Minister aware that this institution, if I may say so, was set by the State, as far back as 1857, and that now since 2001/2003, there have been two attempts by some *gros requins* to try to take this site and to have some very important commercial buildings on this site? So, Mr Deputy Speaker, Sir, will the hon. Minister state whether there is any project which has already been earmarked to be set on this site and, if so, by whom, and who are behind this project?

Dr. Bunwaree: We do not have all these details, but we have opened a line of communication with the stakeholders to see to it that whatever developments take place on the commercial aspects that there is some sort of corporate social responsibility, in fact, to keep the memory of this building.

Mrs Dookun-Luchoomun: In the past, Mr Deputy Speaker, Sir, when Le Nef was demolished, it was then built up again. Is there any possibility, in this particular case, to get the building rebuilt?

Dr. Bunwaree: I think, on three occasions, I have replied to this question, but I can still say that we are trying to see in what way we can, at least, keep the memory of this building in the same place.

CLUBS/FEDERATIONS – NON-OLYMPIC GAMES

(No. B/747) **Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Minister of Youth and Sports whether, in regard to the clubs and federations practising non-Olympic or internationally recognised games, he will state –

- (a) the number thereof, indicating the respective disciplines, and
- (b) measures taken for the security of these sportspersons.

Mr Ritoo: Mr Deputy Speaker, Sir, there are actually 15 federations, recognised under the Sports Act, which are currently practising non-Olympic

games and these are as follows: billiards, bodybuilding, bridge, chess, french boxing, golf, karate, kickboxing, motorcycling, petanque, squash, under water diving, rugby, wushu and sumo.

As regards part (b), each international sport governing body of each of the above sports federation has its own specific technical rules and regulations to ensure safe practice of the relevant sports. In addition, all federations are called upon to ensure compliance with all basic standard safety norms imposed by the international sports governing bodies.

Moreover, each participating team is led by a head of delegation and a *Chef de Mission* whose role, amongst others, is to ensure that our participants perform in a secure and safe environment. Mr Deputy Speaker, Sir, as we are speaking of measures taken for the security of athletes, I would like to refer the hon. Member to the reply I made last week to PQ No. B/682 regarding insurance cover for athletes.

Mrs Martin: I thank the hon. Minister for his answer. I suppose he is aware that some of the sports disciplines that he mentioned are quite dangerous if they are not practised in the appropriate environment. Can he tell the House whether those who practise those sports disciplines are more or less exposed to dangerous situations? Can he also tell us whether all the instructors who dispense those courses have been supervised by the Federation and are habilitated to actually dispense those courses?

Mr Ritoo: Normally, anyone who practises a sport discipline should be affiliated with the Federation. It is the job of the Federation to see to it that certain norms are being respected. Even the coaches have got the guidelines how to practise these sports disciplines.

SMEs - SPECIALISED ZONE

(No. B/748) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Minister of Business, Enterprise and Cooperatives whether in regard to the construction of buildings to house the small industries, he will state the number thereof which have been completed, indicating –

- (a) the beneficiaries thereof, and
- (b) the respective rental value.

The Minister of Information and Telecommunication Technology (Mr A. Dulull): Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

I thank the hon. Member for his question, giving us an opportunity to elaborate on the deliverable of this Government.

Mr Deputy Speaker, Sir, it is the policy of the Government, in line with its Programme 2005/2010, to set up specialised zones for the benefit of SMEs with appropriate support in each district.

I am advised by the BPML that all industrial buildings which had been undertaken by the BPML have been completed. As at to date, 4 specialised zones have been constructed. The beneficiaries are as follows –

	SITE LOCATION	TENANT
1.	Argy Flacq (Block B)	Mechanical and Structural Engineering Co. Ltd.
		Island Wood
		G. Tech Ltd.
2.	Bambous	Greensea Ltd.
		Ducasse Mfg. Ltd.
		Quote Ltée

		N. K. Textiles Co. Ltd.
3.	Beau Vallon (Phase I)	MVP Openings Ltd.
		Mrs. Ramessur
		Mr Jay Beeharry
		Cie Kasser Ranzer Ltée
		S. Teetapoolay
4.	Pamplemousses (Block B)	Chemlog Ltd.
	(Block C)	Chicouleur Ltée
		Engine Mariniser Ltd.
		Brightwater Ltd.
		Kikim Investment Ltd.

As regards part (b) of the question, the rental rate square foot per month for the four specialised zones varies from Rs3.30 to Rs4.59.

Mr Deputy Speaker, Sir, I have also been advised by the DBM Ltd. that small industrial parks for SMEs with basic industrial infrastructure comprising 55 SME units ranging from 1000ft² to 2000ft² each are being constructed, out of which, 20 units at La Tour Koenig, 20 units at Terre-rouge and 15 units at Vacoas Phoenix.

The units at La Tour Koenig have been completed, while road works and other external works are in process and the units will be ready for use by mid August 2009. As regards Terre Rouge unit, it will be completed by the end of this month and road works and other external works will be ready by the end of August 2009. The units at Vacoas/Phoenix will be completed by end of August this year.

The SME units will be rented solely to Small and Medium Entrepreneurs and Handicrafts Manufacturers. However, the rental rate has not been fixed yet. Moreover, I have been informed that it is proposed to rent the buildings below the commercial rate for industrial buildings.

Mr Barbier: Mr Deputy Speaker, Sir, as far as La Tour Koenig and Terre Rouge Project is concerned, it is not yet completed. May we know on what criteria the Ministry is going to select these SMEs for them to be able to have access to these industrial buildings?

Mr Dulull: Mr Deputy Speaker, Sir, the selection will be made on long established criteria based on merits without fear and favour.

EDUCATIONAL INSTITUTIONS - VOLUNTARY HIV DETECTION TESTS

(No. B/749) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Health and Quality of Life whether he will state if Government will consider carrying out voluntary HIV detection tests in the educational institutions, with a view to determining the prevalence thereof amongst the students.

Dr. Jeetah: Mr Deputy Speaker, Sir, I am advised that the prevalence of any disease cannot be determined through voluntary testing as voluntary participants are not considered as a representative sample of a target population. With regard to HIV and AIDS, it is still more difficult to use voluntary detection tests to determine its prevalence amongst any age group or any other sub population. This is so as, on the one hand, the risk of transmission of the disease differs significantly from one group to another and, on the other hand, people with risky behaviours are usually unwilling to do the test for fear of stigma.

Mr Deputy Speaker, Sir, with regard to HIV tests on a voluntary basis being carried out in educational institutions, my Ministry is taking up the matter with the Ministry of Education. There is a need to fully sensitise the adult community in the first instance so that they are in a better position to understand the implications of such tests, the more so that parental consent is a prerequisite for many activities which are carried out for students. In fact, my Ministry has reinforced its

education campaigns regarding HIV and AIDS in the community as well as in secondary, vocational and tertiary educational institutions.

I am also informed by the Ministry of Education, Culture and Human Resources that actions geared towards prevention of AIDS among the student population have been taken and these include –

- (a) HIV and AIDS related information in the new curriculum for primary and secondary levels;
- (b) distribution of Health Information Education and Communication materials;
- (c) sensitisation through school health clubs as well as other school based interventions, and
- (d) co and extra-curricular activities focusing on HIV and AIDS.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he is aware that there is a lot of discrepancies between the figures given by the health institutions and by NGOs working with people living with AIDS? That is why my question was whether he does not consider it to be advisable to have such tests carried out by Government bodies in order to ensure that any problem, any hidden figures can be revealed this week so as to take necessary actions.

Dr. Jeetah: Mr Deputy Speaker, Sir, we have two sets of figures. One is an estimate, that is, 1.8% of the adult population between 15 to 49 years that is equivalent to about 12,600 that are estimated to carry this disease and the number of reported cases, as at May 2009 - I must say, Mr Deputy Speaker, Sir, it is only the Ministry of Health that compiles these figures and the figure I have here is 3,888. So, I don't see any discrepancy in any figure since I don't know of any other authority that has the capability and information to be able to do the compilation.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he is not aware that NGOs do collect samples for tests of HIV and AIDS?

Dr. Jeetah: Mr Deputy Speaker, Sir, as far as I am aware, it is only our labs that do the tests for HIV and AIDS.

Mrs Labelle: Mr Deputy Speaker, Sir, the hon. Minister has mentioned sensitisation campaigns in our education sector. May I ask him whether in line with this sensitisation campaign, his Ministry will liaise with the Ministry of Education to accept the request of the students of the university to have condom distributors on the campus?

Dr. Jeetah: Well, this is another matter, Mr Deputy Speaker, Sir. I can certainly pass on the information to my colleague.

NTC – BUSES ACQUISITION - TENDER EXERCISE

(No. B/750) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure, Land Transport and Shipping whether he will, for the benefit of the House, obtain from the National Transport Corporation, information as to if more than one tender exercise has been carried out for the proposed acquisition of buses and, if so, the reasons therefor.

Mr Bachoo: Mr Deputy Speaker, Sir, I have been informed by the National Transport Corporation that only one tender exercise has been carried out for the proposed acquisition of new buses.

The NTC did not proceed with the award of the contract as approved by the Central Procurement Board because the price quoted in the best evaluated offer was much higher than the estimated price. Secondly, the award as approved by the CPB do not meet the requirements of NTC in terms of number of buses, given that approval had been received for the purchase of 40 buses instead of 85 buses. Besides, in the face of the present financial difficulties being encountered by the NTC, measures are being implemented to halt and reverse the decline. In this connection, the NTC is carrying out in consultation with the NTA, a complete revisit of its bus route network. Thus, the requirements in terms of number of buses are bound to change. It is only then that the exact number of buses required will be known.

A decision, as appropriate, will be taken in due course.

Mrs Dookun-Luchoomun: Can the hon. Minister confirm that the Procurement Board had asked the NTC to go forward with the purchase of 40 buses instead of the required 85 buses as proposed by NTC?

Mr Bachoo: No, the information that I have got from CNT is that the best evaluated offer came from one company, but that particular supplier could only supply 40 buses within a time framework set in a standard document. In fact, the exercise was launched, targeting 85 buses; hence the spirit of this exercise itself was disregarded and this is one of the reasons why we had not gone ahead with the procurement of the buses.

Mrs Dookun-Luchoomun: May I know whether the selected company, as proposed by the National Procurement Board, was the lowest bidder in that particular exercise?

Mr Bachoo: In fact, I cannot say the lowest bidder, but I'll use the words 'successful bidder' according to the Central Procurement Office.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether in that particular case, negotiations were carried out between the Procurement Office and the public body itself and whether it has made the request to the company supplying the buses?

Mr Bachoo: I don't have that privileged information, in fact, because I only give directives of a general nature to the Board and I have not been informed of these.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he does not have any representative of his Ministry on the Board who could have informed him when such matters have arisen?

Mr Bachoo: In fact, I have got my representative on the Board. As I have just told the hon. Member, I don't look after the day-to-day internal matters of the company, I leave it to the Board and to the management of the company and this matter has not been brought to my notice, I'll inquire into it.

Mrs Dookun-Luchoomun: Wouldn't the hon. Minister consider this to be a serious matter in case negotiations had been carried out between the public body and the supplier, and if this be the case, is he ready to look into the matter and to inquire into it?

Mr Bachoo: If negotiations had been carried out legally, I have got no problem because the law provides that negotiations can be carried out with the Central Procurement Office. But the end result is that the Board is not going ahead with the procurement of those buses. If the negotiations had been carried out legally, I have got no problem with that.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, may I just ask the hon. Minister to refer to the Public Procurement Act 2006, paragraph 40, subsection 2 where it is clearly stated that "there shall be no negotiation between a public body and a selected bidder or other bidders except in such special circumstances"? I have gone through the regulations, Mr Deputy Speaker, Sir. No such situation has arisen in this particular negotiation.

Mr Bachoo: As I have just mentioned, I don't have the privileged information which the hon. Member has, but, if legally, it is possible for them to go and negotiate, I don't find any problem and any difficulty in that because it is mentioned in special circumstances. If CNT or the CPB can invoke this particular clause, then I don't have any problem for that.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, from the regulations, it is clear that when we talk about special circumstances, it is mentioned here which special circumstances. And, according to this particular document, the Public Procurement Regulations 2008, it is clear that special circumstances apply to – "(a) the lowest evaluated substantially irresponsive bid, is substantially above the updated estimated costs; (b) where direct procurement from a single source under section 25(2)(b) of the Act is resorted to", which is not the case, and "(c) where

emergency procurement under section 21 of the Act is resorted to”, which, again, is not the case, Mr Deputy Speaker, Sir.

Mr Bachoo: The Central Procurement Body, unfortunately, is not within my jurisdiction, because normally it is they who invite the public bodies. That is not under my jurisdiction. I am not in a position to answer, but one thing, of course, I can say is that the Board has rejected it.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, I have a final question. Since the Board has rejected it and since the Minister is now aware of certain special information, it seems, would he be ready then to look into the matter and query about what type of negotiations have gone on?

Mr Bachoo: Of course, whatever the law allows me to do, I am going to look into it.

Mr Jhugroo: Can the hon. Minister give the name of the successful bidder?

Mr Bachoo: I’ll give the names. There are two similar names I can make a confusion. It is ABC Motors Company Limited because one is ABC Motors and the other one is ABC Coachwork.

Mr Bérenger: I was trying to follow the saga. Will the hon. Minister confirm that what had happened at CNT was CNT tendered for 80 or 85 or 65 buses? An offer came for 40 buses which apparently was the most successful, was the lowest bidder. So, the CNT said: ‘no, we want 85, you offer 40, that is not enough, so we don’t take any?’

Mr Bachoo: There are other reasons also. For example, the estimated cost originally of the STC was R1,760,000 per bus. Unfortunately, in fact, what was offered to us was Rs2.4 m., it means an increase of Rs600,000 per bus which could have been practically impossible for CNT to accept, and secondly, knowing very well the economic situation of CNT, even the banks are not willing to provide us with any type of loans, that is another reason also which really....

(Interruptions)

It is supposed to be the lowest. I don't use the word 'lowest', I say 'successful bidder'. I know why.

Mrs Dookun-Luchoomun: May I ask the hon. Minister then, he has been saying that it is a successful bidder, on which ground is he saying that ABC Motors was the most successful bidder?

Mr Bachoo: The ground is so simple; I don't have anything to do with it. The Central Procurement Board has accepted it to be the successful bidder and I cannot pass any comment on whatever has been decided by the Central Procurement Board.

Mrs Dookun-Luchoomun: Will the hon. Minister tell me whether it is normal for an institution, which does not have the finance, to launch tenders and to expect bids from companies when it seems - from what the hon. Minister has just said - that the financial condition of the Corporation is not good?

Mr Bachoo: In the beginning, when CNT launched the tender, the company expected to get a loan from the banks, but, unfortunately, things went from bad to worse. It came on deteriorating at an accelerating speed and that is one of the reasons. We have decided to revisit the entire structure of CNT. We are giving away a few of the lines which were under CNT. I am trying to do the maximum to try to see to it that the company becomes, once again, better as it was in the past.

Mr Jugnauth: Is the hon. Minister aware that in the communication between the CPB and the CNT, even one of the specifications of the tenders, that is, the seating disposition of the bus has been altered or has been proposed to be altered which is, in fact, not in order at all?

Mr Bachoo: In fact, we had proposed two by two, if I am not mistaken. I don't know what the CPB had decided. But, as I have just mentioned, as far as my Ministry is concerned, we don't poke our nose in the details, but I am aware that we had proposed two by two and probably they might have been proposing three

by two, that is, two seats on one side and three seats on the other side. Because there had been many problems in the past when we had three by two, we had proposed two by two. Most probably, they might have recommended three by two.

Mr Jhugroo: Can I know from the hon. Minister how much money does CNT owe to the banks in terms of loans?

Mr Bachoo: The hon. Member should come with a substantive question, then, I can answer it.

SSS – QUALITY ASSURANCE/PEDAGOGICAL INSPECTION

(No. B/751) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne and Phoenix) asked the Minister of Education, Culture and Human Resources whether, in regard to the State Secondary Schools, he will state if any quality assurance or pedagogical inspection is carried out thereat, to ensure that effective teaching and learning is taking place.

Dr. Bunwaree: Mr Deputy Speaker, Sir, quality assurance is a priority concern for my Ministry and action had been initiated for the setting-up of a Quality Assurance and Inspection Division in my Ministry. The PRB Report 2008 has supported this proposal and has recommended the establishment of a full-fledged Quality Assurance and Inspection Division. Following the PRB Report 2008 and the Errors and Omissions Report 2009, the schemes for the posts of Director, Quality Assurance, Senior Quality Assurance Officer and Quality Assurance Officer are now being prescribed. In the meantime, in order to ensure that Quality Assurance Services are in place, my Ministry is currently recruiting, on contract, one (1) Project Manager, Quality Assurance and 6 Quality Assurance Officers under the Capacity Building Programme.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, my concern is about the teaching and learning process. May I ask the hon. Minister whether he would look into the matter as it seems that teachers, new recruits, need some guidance and they are operating on their own in a sort of vacuum without the necessary guidance? This is why I have put this question.

Dr. Bunwaree: In fact, I understood the gist of the question and being given how it is in the civil service, schemes of service, procedures and so on, this is why I have opted to go on contract to get the work going.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he is prepared, with the few officers that he has at hand on his establishment right now, to start off a new programme for pedagogical inspection?

Dr. Bunwaree: It is too few, but with the appointments - it is a question of weeks - we are going to start it.

AADICON BIOTECHNOLOGY LTD. - BIOTECHNOLOGY PROJECT

(No. B/752) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Agro Industry, Food Production & Security whether he will state if meetings have been held with the representatives of Aadicon Biotechnology Ltd. of India and, if so, indicate –

- (a) if they were held in Mauritius or in India;
- (b) who were the Mauritian participants, and
- (c) the outcome thereof.

Mr Faugoo: Mr Deputy Speaker, Sir, according to records available at my Ministry, no official meetings have been held with representatives of Aadicon Biotechnology Ltd either in Mauritius or in India with regard to its project for the manufacture of bovine semen for artificial insemination and bio-enzyme for the fruit juice industry and the production of bio-fertilizers.

The involvement of my Ministry in the biotechnology project of Aadicon Biotechnology Ltd was in relation to an application made by the company in April 2006 for the lease of 60 *Arpents* of State land.

The request was favourably considered following views obtained from AREU that the project was suitable and very relevant to the development of a sustainable agricultural sector.

The approval of Government was obtained in September 2006 for the lease of 60A of State land at Piton du Milieu to Aadicon Biotechnology Ltd.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, I am surprised that the Minister is not aware that discussions have been going on with regard to the setting-up of a multi-dimensional biotech project in Mauritius with Aadicon. We have just received, in the National Assembly, copy of year book 2008 where it is clearly mentioned that the Commission for the Democratisation of the Economy has engaged into discussions and preparatory meetings have been held with delegates of Aadicon Biotechnology Ltd in India.

Mr Faugoo: Mr Deputy Speaker, Sir, as I have just said, I am aware that no official meeting has been held at the level of my Ministry. I cannot answer for meetings which have been held in other quarters.

Mrs Hanoomanjee: That was not what the Minister said. Can I know how the Commission for the Democratisation of the Economy is concerned for the setting-up of a multi-dimensional biotech project in Mauritius and the Ministry of Agriculture is not concerned, is not aware and is not involved?

Mr Faugoo: I never said we are not concerned. We are concerned with one aspect of the project, mainly the request for land, as I said. If there are other quarters, other institutions which are involved, the question should be put to those Ministries which are responsible and under whose purview it falls, Mr Deputy Speaker, Sir.

Mrs Hanoomanjee: Is the Minister, at least, aware that in 2002, there was a Memorandum of Understanding which was signed with the Centre for Science and Technology in Delhi through the Government of India? Now that he is aware that there have been preparatory meetings with delegates of Aadicon Biotechnology Ltd. for the setting-up of a multi-dimensional biotech project in Mauritius, will he go back to that Memorandum of Understanding, because it was a Memorandum of Understanding involving the Government of Mauritius and the Government of India?

Mr Faugoo: I will do that, Mr Deputy Speaker, Sir, but, as I said, the Government of Mauritius must have been involved; it is not my Ministry; we only look after the element of land.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, if biotechnology does not concern the Ministry of Agriculture, which Ministry does it concern?

Mr Faugoo: As I said, Mr Deputy Speaker, Sir,...

(Interruptions)

The Deputy Speaker: Order, please!

Mr Faugoo: ... the issue at the level of my Ministry was one which concerned application for land. We also consulted AREU on the viability of the project. So, in a way, we are concerned. The question which has been asked is straightforward: whether there was any meeting held between my Ministry and Aadicon, to which I said 'no'.

Mrs Hanoomanjee: If I understand, Mr Deputy Speaker, Sir, that project concerning biotechnology is being dealt with by another body than that of the Ministry of Agriculture.

Mr Faugoo: No...

(Interruptions)

If there are other institutions which are involved, I cannot answer. I said that we had consulted AREU on the technical aspect of the project. AREU followed the project and they replied that it is a viable project and, relying on this, at this point of report of AREU, Government had approved the release of the land. But, as I said, I agree that this falls under the purview, but not the question which has been asked directly as to whether there was any meeting.

CHIKUNGUNYA – FOGGING PROGRAMMES

(No. B/753) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Health & Quality of Life whether, in regard to the fogging and other programmes related to the clearing of mosquitoes islandwide, after the relapse of the chikungunya disease, he will state if a permanent unit had been created and, if so, indicate –

- (a) who was the officer in charge of the unit;
- (b) the number of officers attached thereto;
- (c) the number of interventions carried out to date, and
- (d) the localities which have been covered and, if not, why not.

Dr. Jeetah: Mr Deputy Speaker, Sir, I am informed that following the resurgence of the chikungunya disease at the beginning of 2006, a Special Emergency Response (Chikungunya) Unit was set up at my Ministry in March of that year, with, *inter alia*, the following terms of reference –

- (i) advise the Ministry on preventive strategies;
- (ii) carry out disease surveillance, that is, to follow the epidemiological trend of the disease, and
- (iii) monitor and evaluate vector control activities.

With regard to part (a) of the question, I am advised that the above-mentioned unit was headed by a retired public officer, who was recruited as an adviser in view of his extensive experience in the Malaria Elimination Programme.

As regards part (b) of the question, one Deputy Chief Health Inspector, two Public Health Inspectors and one Clerical Officer formed part of the unit.

This unit was supported by the already existing Communicable Disease Control Unit (CDCU), which is a permanent structure and which is, amongst

others, responsible for the overall coordination of vector control programme at the national level.

The activities of the Chikungunya Unit were taken over in December 2007 by the CDCU at a point in time when the disease was eliminated.

Concerning part (c) of the question, larviciding undertaken through the spraying of Temephos (Abate) on stagnant water, is an ongoing activity throughout the year and islandwide, in accordance with the programme established by the thirteen Health Offices across the country. During the period January 2006 and June 2009, 1,423,196 premises had been visited for larviciding.

Moreover, fogging operations were carried out mostly in the surroundings of chikungunya cases to reduce the population density of infected mosquitoes. All regions, where cases were detected, were covered by fogging operations.

These operations were coupled with the more efficient and sustained larviciding activities as mentioned above.

Mrs Hanoomanjee: May I ask the hon. Minister whether – correct me if I am wrong – he said that when Chikungunya was eliminated, the unit was dissolved?

Dr. Jeetah: The activities were taken over by the CDCU which is a permanent structure of my Ministry.

Mrs Hanoomanjee: Can the Minister say whether his Ministry is in presence of another report from the World Health Organisation which states that there should be a permanent unit set up to avoid recurrence of the disease?

Dr. Jeetah: Mr Deputy Speaker, Sir, we do have a permanent structure, that is, CDCU. In fact, after this recent outbreak that we had, we are meeting up again just to make sure that it is more agile and more effective in its purpose.

Mrs Hanoomanjee: The Minister is in presence of that report of the World Health Organisation where it states that there should be a *quartier de groupes de surveillance au niveau de chaque quartier*. Can he say whether this has been done and how many *quartiers de surveillance* has been set up?

Dr. Jeetah: I must admit, Mr Deputy Speaker, Sir, there are so many reports and I am not sure which one the hon. lady is referring to, but I will have to look into it. I can tell the hon. Member that the way the CDCU operates is attached with a number of other service providers, for example, the entomologists who go and detect the number of mosquitoes and the disease they carry, the labs, the hospitals where people are doing fever surveys, as well as people who are doing field work in the community. It is just like a network of organisations within my Ministry which has the responsibility of detecting as early as possible any new disease and act quickly so that we achieve the results that we have achieved in the case of the latest threat that we had.

Mr Guinness: Mr Deputy Speaker, Sir, can we know from the hon. Minister whether the collaboration of the private sector is still ongoing on the foregoing exercise and whether it is being monitored and the collaboration is being sought?

Dr. Jeetah: With regard to the private sector, there are a few things with which we are collaborating. First, we have bought the fogging machines, and the hon. Member would agree with me that to get 400 or 500 fogging machines working day and night, we would need to service them. I am glad to say that we have the private sector with us to do the servicing and make sure that they train the personnel. In this case, we sought the services of the SMF. We also had the collaboration of the private sector with equipment in cleaning activities.

SHOP OWNERS – LA POLICE DU TOURISME - NOTICES

(No. B/754) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether he will, for the benefit of the House, obtain from the Tourism Authority, information as to if the Authority has set new rules as to how shop owners should display their goods and, if so, if the shop owners have been

served with notices in relation thereto, indicating if the rules are applicable to all the shops.

The Vice-Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval): Mr Deputy Speaker, Sir, I am informed that “shops” are not listed as “tourist enterprises” and as such the regulation of their activities does not fall under the purview of the Tourism Authority.

I am advised, therefore, that the answer to the question is in the negative.

Mrs Labelle: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether *la Police du Tourisme* has been acting as enforcing agency to serve notices to shop owners in part of the island?

Mr X. L. Duval: Mr Deputy Speaker, Sir, *la Police du Tourisme* answers to the Commissioner of Police and to the PMO, but it is a fact that eyesores and other notices are served by the Police, in general, but by *la Police du Tourisme* as well.

ALBION FISHERIES RESEARCH CENTRE – NURSERYMEN – SCHEME OF SERVICE

(No. B/755) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Agro Industry, Food Production and Security whether, in regard to the nurserymen at the Albion Fisheries Research Centre, he will state if changes have been brought to their conditions of employment and, if so, indicate if they -

- (a) are now called upon to work on 12 consecutive days, and
- (b) have not been paid overtime since January 2009 or less time off is being granted to them in lieu of cash compensation.

Mr Faugoo: Mr Deputy Speaker Sir, the grade of Nurseryman (Fisheries) of my Ministry has been classified on roster in accordance with paragraph 16.24.38 of the PRB Report 1998.

In line with the PRB recommendations, workers operating on a roster basis work according to a structured pattern of work specifying the starting times and finishing times of turn of duty which may or may not include night duty. They are

required to work on a roster basis, including Saturdays, Sundays and public holidays. The PRB has further recommended that Sunday should be considered as a normal working day for workers working on a roster basis. This element has been taken into consideration in the determination of the PRB salary scale.

The Scheme of Service for the grade of Nurseryman (Fisheries) on roster, specifying these conditions became effective on 20 June 2003.

The Nurserymen operating at the Albion Fisheries Research Centre of my Ministry are thus required to operate between 8 h 00 and 16 h 00 with one hour lunch during weekdays and they put in 35 hours of work during the week. A skeleton staff is required to work on Saturdays, Sundays and public holidays from 8 h 00 to 16 h 00 against time off in lieu of overtime after completing 40 hours of work on a weekly basis. These conditions are effective since 20 June 2003.

Mr Deputy Speaker, Sir, no change has been brought to the conditions of employment of Nurserymen since June 2003.

As regards part (a), according to the roster established at the Albion Fisheries Research Centre, no Nurseryman is called upon to work on 12 consecutive days. However, a few cases have occurred where Nurserymen have worked for 12 days consecutively as a result of –

- (a) mutual agreement made between Nurserymen to exchange roster days off as recommended by PRB;
- (b) Nurserymen declining to take days off in the week following the weekend during which they were on roster.

As regards part (b), Nurserymen who put in only 35 hours during the week are not eligible for overtime. However, those who work on weekdays and also form part of the skeleton staff working on Saturdays, Sundays and public holidays, put in more than 40 hours and are being refunded days off accordingly in lieu of overtime. Nurserymen who have worked for 5 days, on Saturdays and Sundays covering a total of 35 hours plus 14 hours are entitled to and are granted one day off plus an additional two hours.

Nurserymen are usually granted days off for work performed beyond normal working hours. However, there are instances where the grant of days off is deferred due to the exigencies of the service. This situation occurs during peak season which extends from January to May and from September to December when the “Cameron Cycle” is ongoing and more manpower is needed. The excess hours put in by Nurserymen are carried forward to be granted as days off during the normal period from June to August when there is no pressure on manpower requirements.

Mrs Labelle: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he has been informed that the Albion Fisheries Research Centre has received representations from the Nurserymen after all these changes?

Mr Faugoo: I am not aware of any representation, Mr Deputy Speaker, Sir.

SAVOY CINEMA, VACOAS – NIGHT CLUB - PERMIT

(No. B/756) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to if any permit has been granted to operate a night club at the previous Savoy Cinema at Vacoas and, if so, indicate -

(a) when, and

(b) the conditions attached thereto.

(Withdrawn)

MOUNT ORY – DRAINS

(No. B/757) **Dr. P. Ramloll (Third Member for Quartier Militaire & Moka)** asked the Minister of Environment and National Development Unit whether he is aware that the flooding and the accumulation of sludge along the Mount Ory main road are causing undue hardships on the premises of the temple found thereat, and if so, will he state the urgent remedial measures that will be taken.

The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, with your permission, I will reply to this question.

Mr Deputy Speaker, Sir, due to the sloping topography of the adjoining lands (including temple premises) towards the Mt. Ory Road (B46), mud water (sludge) from the adjoining lands flows into the road side drains during rainfall causing silting and obstruction of same. Frequent de-silting and mud removal operations are undertaken by RDA. However, due to the recurrent nature of the problem, the Land Drainage Committee will be requested to propose a permanent solution to the problem with a view to alleviating the hardships of the inhabitants of the region.

Dr. Ramloll: I thank the hon. Minister for the very excellent tarring works of the road. But, unfortunately, the level of the tarring work is just at the same level as the pavement. May I know from the hon. Minister whether the officials are aware that the drain is completely obstructed right over a long distance of about half a kilometre and that half a kilometre of the road is without any pavement and that is the reason why the sludge and the muddy water enters into that drain and has caused flooding? Can that be attended to as a priority for the hardships of the inhabitants and especially the temple around?

Mr Bachoo: Mr Deputy Speaker, Sir, the hon. Member has drawn my attention to this problem. But as far as the footpaths are concerned, I will see to it that the RDA will look into the issue. I have just mentioned that the Land Drainage Committee is a specialised unit which has been set up to look into the drain problems. I would like to refer this issue to the Land Drainage Committee.

BOIS CHÉRI ROAD, MOKA – DRAIN WORKS & PAVEMENTS

(No. B/758) Dr. P. Ramloll (Third Member for Quartier Militaire & Moka) asked the Minister of Environment and National Development Unit whether in regard to the proposed carrying out of drain works and the installation of pavements along the Bois Chéri Road leading to the Pont Souillac and Mount Ory Road, he will state when works are expected to start.

The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, with your permission I will reply to this question.

Mr Deputy Speaker, Sir, the Road Development Authority has provided footpath over a length of approximately 700 m along the Bois Chéri Road (B47) during financial year 2007/2008. A further extension of the footpath and drains over a distance of 300 m towards Pont Souillac and Mount Ory Road is being envisaged for implementation in the next financial year.

Dr. Ramloll: Mr Deputy Speaker, Sir, I think the hon. Minister is very much aware about the topography and the geography of the area. In view of the heavy traffic and the number of inhabitants using that road, is he aware that there are already natural drains existing on either side of the road and if with minimal amount of infrastructural works, pavements and handrails can be installed as a matter of urgency for the safety of the inhabitants and for those vehicles?

Mr Bachoo: The hon. Member has to bear with me that we have got over 20 to 25 projects actually in Constituency No. 8, plus we have got other projects which are much more important, for example, the retaining wall at Mt. Ory. Let us give priority to those works which are more important than these ones. I have already mentioned that in the next financial year, we are going to look into this issue.

Dr. Ramloll: Mr Deputy Speaker, Sir, I think this is more a matter of safety of the inhabitants and, I think, this also should be given priority.

Mr Bachoo: Mr Deputy Speaker, Sir, I have already answered this question.

BOIS CHÉRI ROAD/CHATEAU VAL ORY, MOKA – CLEANING CAMPAIGN

(No. B/759) Dr. P. Ramloll (Third Member for Quartier Militaire & Moka) asked the Minister of Environment and National Development Unit whether in regard to Constituency No. 8, Quartier Militaire and Moka, particularly

in the regions of Bois Chéri Road, Chateau Val Ory, he will state the urgent measures that will be taken to clean these areas in view of the threat of the Dengue fever and in order to ensure the security of the inhabitants.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David): Mr Deputy Speaker, Sir, with your permission, I will reply to this question.

I am informed that a special cleaning campaign and embellishment works were carried out in the regions of Bois Chéri Road and Chateau Val Ory in collaboration with the Road Development Authority, Non Governmental Organisations and the Village Council of Moka on 30 May 2009 and 06 June 2009.

Furthermore, regular cleaning and scavenging services are being assured by the District Council throughout its council area.

Dr. Ramloll: I thank the hon. Minister for the answer, but, I think, a fresh visit of the area will reveal that it is coming back to the original state. So, in view of the impending danger of Dengue fever, can that be attended to again?

Dr. David: Yes, I will pass on the message to the District Council.

JAMAL ROAD, VALETTA - DRAINS

(No. B/760) Dr P. Ramloll (Third Member for Quartier Militaire & Moka) asked the Minister of Environment & National Development Unit whether he is aware that regular flooding occurs in the region of Jamal Road at Valetta in Constituency No. 8, Quartier Militaire and Moka and, if so, will he state if consideration will be given for the urgent construction of drains thereat.

Mr Bundhoo: Mr Deputy Speaker, Sir, I am advised by the Moka-Flacq District Council that water accumulates adjacent to Jamal Road, Valetta.

The Consultant of the National Development Unit will be requested to carry out a survey to assess the cause of the problem and submit design and cost estimates.

Dr. Ramloll: I thank the hon. Minister as usual. Around 31 March, Mr Deputy Speaker, Sir, there was a flooding of the area and eight to 10 houses were involved, and my colleague, hon. Surendra Dayal, and I visited the area. I think the inhabitants made representations to the Ministry of Social Security also for the necessary help. The inhabitants are ready to provide bare land at the backyard for the construction of a drain of about 50 to 200 metres, which drains in a river nearby. I would like to ask the hon. Minister whether that can be an immediate solution to solve this problem of regular flooding of the area.

Mr Bundhoo: May I remind the hon. Member that in PQ No. B/1234 of 27 November put to my colleague, hon. Bachoo, the then Minister, he assured us that the work was being done and that necessary action was being taken to ensure that leeway is obtained. I am very happy that the hon. Member and hon. Dayal are now in a position to negotiate with the private owners in order to be able to have leeway to divert the water from where it is being clogged to the nearby river.

Dr. Ramloll: I would like to inform the hon. Minister that the inhabitants are ready to provide the land. I would like to ask whether that can be attended to because only two days ago, there was a flooding there.

Mr Bundhoo: Mr Deputy Speaker, Sir, I assure the hon. Member that hon. Dayal has already put this question and negotiation to have leeway is already underway. We shall pay a visit there with hon. Pravind Jugnauth if he would like to so as to ensure that the work is done as it should be.

SANSKRIT LANGUAGE – TEACHING & LEARNING

(No. B/761) **Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Education, Culture & Human Resources whether in regard to the teaching and learning of the Sanskrit language, he will state the steps taken by Government to encourage same.

Dr. Bunwaree: Mr Deputy Speaker, Sir, it is an undeniable fact that Government is offering indiscriminate support for the propagation and fostering of our ancestral languages and to the upholding of cultural heritage. It is also a recognised fact that respect for all and understanding of each other's differences are essential in preserving social harmony and in the nation-building process.

In line with our policy to promote Asian and Arabic languages, we are offering both at primary and secondary levels, courses in Hindi, Tamil, Telugu, Marathi, Urdu/Arabic and Modern Chinese. Furthermore, my Ministry is also consolidating the spread of such languages, their literature and cultural activities associated thereto in the evening schools. These activities are organised by socio-cultural organisations on Government-owned educational premises in private schools, baitkas, temples and madrassas.

As for Sanskrit, which is an ancestral language that lies at the root of numerous Indian and non-Indian languages, the Hindi Pracharini Sabha, the Arya Sabha and the Arya Ravived Pracharini Sabha have integrated modules on this language in Hindi. Sanskrit courses are also run by Hindu priests at various socio-cultural organisations, such as the Arya Sabha, Mauritius Sanatan Dharma Temples Federation and the Mauritius Arya Ravived Pracharini Sabha.

Programmes in Sanskrit are equally being conducted from level I up to Diploma/Degree levels by the MGI and the Hindu Maha Sabha. The MGI currently runs such courses in the evening of weekdays, while those of the Hindu Maha Sabha are conducted on Saturdays. Mr Deputy Speaker, Sir, I am afraid we do not have enough resources not to say competences to do much in favour of this beautiful language known as mother of languages, but my Ministry remains open to consider other and further demands for the learning of Sanskrit in our institutions or NGO run establishments.

Mr Varma: Mr Deputy Speaker, Sir, could the hon. Minister inform the House how many colleges offer Sanskrit as a language at SC and HSC levels?

Dr. Bunwaree: I don't have the reply, but I can give an indication to the House because I was myself a bit surprised. There are about 1,970 students

studying Sanskrit in the country for the time being.

Mr Dayal: Mr Deputy Speaker, Sir, is the hon. Minister aware that the problem of ratio, especially in the evening schools, causes lots of problems for the promotion of Sanskrit, just like for Tamil, Telugu, Urdu and Marathi?

Dr. Bunwaree: I am aware of this, although it is not a question related directly to the main question. I am in favour of removing this question of ratio altogether.

Mr Varma: Mr Deputy Speaker, Sir, could the hon. Minister inform the House what examinations are held as regards Sanskrit language?

Dr. Bunwaree: I mentioned in my reply that there are even degrees and diplomas. But as to what exact examinations there are, I can look into it and inform the House.

SOLITUDE & DALIA – INHABITANTS - RELOCATION

(No. B/762) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Minister of Housing & Lands whether in regard to the extension of the Sir Seewoosagur Ramgoolam International Airport, he will state if the inhabitants of Daila and Solitude in Plaine Magnien will be relocated and, if so, indicate if an alternative site has been identified.

Dr. Kasenally: Mr Deputy Speaker, Sir, I am informed by the Airport of Mauritius Company Ltd that the land occupied by the inhabitants of Dalia will be required in the future for the construction of a second runway. My Ministry, in collaboration with Airport of Mauritius Co. Ltd, has initiated an exercise for the identification of a suitable site for the relocation of the inhabitants. Airport of Mauritius Co. Ltd will meet the costs of the buildings and identified land.

In respect of the region of Solitude, I am informed by Airport of Mauritius Ltd that no new residential construction should be allowed in the vicinity, due to safety and aircrafts and noise hazards. However, consideration is being given for

the relocation of the inhabitants. My Ministry has already initiated an exercise in respect of occupation of land at Solitude. Once a suitable land will be identified for their relocation, Airport of Mauritius Company Ltd has undertaken a commitment to meet the costs of the buildings and acquisition of the identified land.

Mr Varma: Mr Deputy Speaker, Sir, could the hon. Minister inform the House whether there is a time frame for the relocation of the inhabitants of both regions?

Dr. Kasenally: Mr Deputy Speaker, Sir, as far as the region of Dalia is concerned, the land will not be required in the near future but perhaps in two or three years' time. However, the process of finding the land for relocation has already started. There are approximately ten buildings/site lessees on that site.

As far as the inhabitants of Solitude are concerned, I think the process is already on and my Ministry has already initiated an exercise regarding the details on the occupation of the land, names of owners and names of squatters, if any. So far, we have found 24 owners of private land and nine illegal occupiers of private land at Solitude.

Mr Varma: Could the hon. Minister inform the House whether, pending the relocation, the leases will be renewed?

Dr. Kasenally: Yes. If they are on State land, it will certainly be renewed on a year-to-year basis if they have expired.

CAMP CAROL – ADDITIONAL VILLAGE - CREATION

(No. B/763) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Minister of Local Government, Rodrigues & Outer Islands whether in regard to the creation of a new village council to cater for the villages of Des Places, Mon Trésor Mon Désert, Camp Carol, Le Bouchon and Carreau Accacia, he will state where matters stand.

Dr. David: Mr Deputy Speaker, Sir, I refer the hon. Member to the reply I made to PQ B/337 in April 2009 on the proposal for the creation of an additional village at Camp Carol, and wish to inform the House that the Local Government Bill is presently being finalised. However, the proposal for the creation of new Village Councils and the splitting of Village Councils has yet to be determined by the Electoral Commissioner's Office.

HIGH LEVEL SPORTS FINANCIAL ASSISTANCE SCHEME

(No. B/764) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Youth & Sports whether in regard to the High Level Athlete Scheme, he will state the –

- (a) various categories concerned;
- (b) criteria laid down, and
- (c) duration of the assistance.

Mr Ritoo: Mr Deputy Speaker, Sir, with your permission, I will reply to questions B/764 and B/765 together, as they are related.

High level athletes are being catered for by the High Level Sports Unit of my Ministry, with a view to providing financial assistance to athletes having already recorded an outstanding performance at regional level at least. Under this High Level Sports Financial Assistance Scheme, athletes are classified in four categories, namely -

- Category 1 - World level
- Category 2 - Intercontinental level
- Category 3 - Continental level
- Category 4 - Regional level

The Scheme covers individual sports disciplines only and each sports discipline has its own specific criteria. However, the main criterion, in all cases, is the performance and margin of progression of the individual athlete. A detailed list of the criteria is being tabled.

The duration of the assistance under this Scheme depends on the target set by the athlete in consultation with his/her respective sports federation. It is not *ad*

infinitum. If the performance of the athlete falls under the required level, he/she may be moved to a lower category.

As at now, there are four athletes benefitting from the world level assistance, namely; Stephan Buckland, Eric Milazar, Bruno Julie and Marine Giraud. The assistance, which was reviewed upwards in December 2008, became effective as from January 2009 and amounts to Rs20,000 monthly.

Mr Lesjongard: May I ask the hon. Minister at what frequency this assistance is reviewed?

Mr Ritoo: For categories of World level, it is three months and at lower levels it is six months.

Mr Bhagwan: Mr Deputy Speaker, Sir, I think that the athletes who benefit from the High Level Athlete Scheme are honouring the country at different occasions, be it at the national and international level. Can the hon. Minister, at least, see to it that at no time these athletes are penalised for petty decisions? We trust the hon. Minister. Sometimes, depending upon their performance, they get injured and their allowances are reduced. We all know that Mr Stephan Buckland and the others do perform and we are all honoured by their performance.

Mr Ritoo: This assistance is a financial assistance to achieve excellence in sports, it is not a salary. So, of course, it all depends upon the performance as well.

Mr Bhagwan: I have one more supplementary question, Sir. We all know that it is not a salary, but the fact that they are honouring the country, there is no price on that, Sir. They are honouring the country by having gold medals at Olympic games and other international games. So, giving them Rs500 or Rs5,000 are, I would say, petty decisions taken, and this is not good for the moral of these athletes.

The Deputy Speaker: The Minister will ensure that this does not happen.

Mr Ritoo: I will look into the matter, Sir.

Mr Lesjongard: When the hon. Minister mentioned about the criteria, especially at international level, doesn't he feel that there are disparities with regard to the performance of those athletes in the various disciplines? For example, he has mentioned four athletes, two are in athletics, one is in boxing and the last one in tennis. What is required from those athletes is that they should be among the top 50 in the world for athletic track competition; with regard to boxing, they should be quarter finalist; for tennis, they should be among the first 200 best tennis players in the world. Doesn't the hon. Minister think that he is asking a very high level of performance in certain disciplines as compared to others?

Mr Ritoo: There is a series of criteria laid down. We have got the High Level Sports Unit Board which deals with this issue. There is a series of criteria which I can lay on the Table of the Assembly. Depending upon their performance, they are being given the assistance. If the Member wants, I can lay the criteria on the Table and then we can discuss on it further.

Mr Lesjongard: The point that I am making, Mr Deputy Speaker, Sir, is that with regard to the various disciplines like in athletics, it is very difficult to go up one place, because it is in term of a hundredth of a second, whereas in tennis or badminton, you can go up 10 to 15 places. That is why I am saying it is not a clear level playing field for the various disciplines.

Mr Ritoo: That is why I said that we have a Board deciding upon the criteria. The Board decides; I can't just impose that it should give preference to a certain type of discipline. Normally, sports are a very clear level playing field and no one is being gratified with any preference.

Mr Lesjongard: May I ask the hon. Minister to convey this message to the Board?

Mr Ritoo: Of course, I will.

HIGH LEVEL SPORTS FINANCIAL ASSISTANCE SCHEME – BENEFICIARIES

(No. B/765) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Youth and Sports whether in regard to the High Level Athlete Scheme, he will state the names of the beneficiaries thereof who participate at the world level, indicating in each case –

- (a) the quantum of the assistance, and
- (b) when was the assistance last reviewed.

(Vide reply to PQ No. B/764)

HIGH LEVEL SPORTS FINANCIAL ASSISTANCE SCHEME - MR A. C.

(No. B/766) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Youth & Sports whether in regard to the financial assistance given to A. C. under the High Level Athlete Scheme, he will state if it has recently been decreased and, if so, the reasons therefor.

Mr Ritoo: Mr Deputy Speaker, Sir, yes, the financial assistance granted to the athlete under the High Level Sports Financial Assistance Scheme has been decreased because he has been downgraded from Category 1, World Level to Category 2, Inter-Continental Level. The reasons are as follows -

- (a) he no longer satisfies the criteria for World Level athletes;
- (b) he has not participated in any international competition since May 2008;
- (c) his last best achievement was a Silver Medal (not even a Gold Medal) at the Indian Ocean Islands Games held in Madagascar in 2007.

Furthermore -

- (a) he has not been able to attain the **minima** of the World Championship to be held in Berlin next August, and
- (b) though his target for 2009 was the *Jeux de la Francophonie*, which is classified as an Intercontinental event, i.e., Category 2; he has not been selected by his Sports Federation for these games, because of his low performance and his failure to reach the **minima** of the games.

Mr Lesjongard: May I ask the hon. Minister for what reason he has not participated in any sport activities for the past one year?

Mr Ritoo: As per Medical Report, Mr Arnaud Casquette has been advised to avoid running and jumping till July 2009. He can only jog, swim and use a bicycle. He will be re-examined in July 2009. So, Mr Casquette will not be in form to attain his objectives set for the *Jeux de la Francophonie*. In addition, his main target set for this year, that is, the *Jeux de la Francophonie*, is an Inter-Continental event and this only justifies his inclusion in this category.

Mr Lesjongard: Mr Deputy Speaker, Sir, this athlete has not been able to participate in any event because of medical problems. Now, since we know that he is having such problems, why has that Unit reduced the assistance he was given to a level much below the World or the Inter-Continental level? The World Level Assistance is between Rs15,000 to Rs20,000, the Inter-Continental level is between Rs6,000 to Rs8,000 and the athlete is having an assistance of only Rs4,000 at a time when he really needs that money.

Mr Ritoo: That is why I say that there are criteria laid down. The Board will decide. I will just give you the example of Mr Oumanansing Cowlessur who was also a Mauritian champion, but he has been removed from the list of beneficiaries because we did not get any information on his performance.

Mr Lesjongard: Can't this be considered as a special case because I understand that the athlete has undergone a very serious operation and that is why he has not been able to participate in any event? It has been the case for the past one year and he has already spent some Rs500,000 for that operation, Mr Deputy Speaker, Sir.

Mr Ritoo: Well, I will try to see with the Board.

The Deputy Speaker: Please, convey to the Board the request of the hon. Member.

Mr Bhagwan: To add to what my colleague has said, I think we are being unfair. Whenever athletes receive gold medals, there is a lot of ceremony and we give them money and public relations because they have served the country in a way. But when they have health problems, we apply the criteria unilaterally depending, I would say, on some officers. Can I ask the hon. Minister, at least, to review those criteria in a sense of fairness?

Mr Ritoo: The same criteria are applied to everybody. No athlete is benefiting from anything better than the other one. I told the hon. Member that it is a clear level playing field, no one is benefiting more or less.

Mr Lesjongard: May I ask the hon. Minister if he has this information on whether that athlete has been submitting his Medical Certificates regularly to his Federation to be forwarded onward to that Unit?

Mr Ritoo: I will have to look into the matter and ask the Board, Sir.

Mrs Labelle: Mr Deputy Speaker, Sir, I would like to ask the hon. Minister if there is a decrease in performance following medical reason, whether the criteria which is being applied is the same for medical reasons and non-medical reasons?

Mr Ritoo: Mr Deputy Speaker, Sir, the criteria is about the performance. Stephan Buckland was getting Rs20,000. Then, he was injured and downgraded and afterwards when he got back his form, it was increased. So, there are no criteria.

Mr Von-Mally: Mr Deputy Speaker, Sir, I would like to ask the hon. Minister whether we don't have some sort of insurance cover for such high-level athletes.

Mr Ritoo: Every Federation has its insurance cover and I think I answered this question from hon. Mrs Martin.

Mrs Martin: Mr Deputy Speaker, Sir, I was coming to that. This is one clear example where the insurance is insufficient and I would, again, appeal to the hon. Minister whether he can see and review all these criteria because very often, as hon. Bhagwan has said, these athletes have served the country and just because they are injured, they find themselves in difficult situations. Can the hon. Minister engage into new reviews in order to help those people?

Mr Ritoo: The criteria are being reviewed regularly in consultation with the federation and the athletes as well. We have got the representative of athletes on that Board and it is reviewed regularly.

(Interruptions)

But we cannot change the criteria for one athlete only.

Mr Jhugroo: M. le président, quand il y a des athlètes qui font honneur au pays, tout le monde est content. Mais il faut aussi venir en aide quand ils sont dans des difficultés. En ce qui concerne les critères, surtout quand ils sont dans le *highest level*, il faut augmenter le barème. Au lieu de donner R 20,000, il faut l'augmenter. Quand ils seront dans des difficultés telles que la santé, ils peuvent avoir de l'argent pour pouvoir subventionner dans des moments difficiles. Il faut revoir cela.

Mr Ritoo: Well, the athlete is not benefitting assistance only from the High Level Sports Unit. There are certain athletes who also benefit from Olympic Solidarity, through the Mauritius National Olympic Committee, from the *Fonds Francophone pour Préparation Olympique* through the CONFEGES and from *Appuis Techniques Nationaux*, again, from CONFEGES and the Trust Fund for Excellence in Sports and the sponsorship as well.

Mr Lesjongard: Mr Deputy Speaker, Sir, can the hon. Minister inform the House who are the persons who sit on that Board and whether it is a person from his Ministry who chairs that Board?

Mr Ritoo: Yes, it is a person from my Ministry who chairs the Board and we have got a list which I can table.

BANK OF MAURITIUS – GOVERNOR, FIRST DEPUTY GOVERNOR & SECOND DEPUTY GOVERNOR – MISSIONS OVERSEAS

(No. B/769) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether in regard to missions, annual meetings and conferences abroad, undertaken by the Governor, the first Deputy Governor and the second Deputy Governor of the Bank of Mauritius, since February 2007 to date, he will, for the benefit of the House, obtain from the Bank, information as to the number thereof, indicating the –

- (a) respective departure and arrival dates;
- (b) composition of the delegations, and
- (c) amount of money spent in terms of airfares, *per diem* and other allowances.

(Withdrawn)

STC – GENERAL MANAGER & PRATIBHA SHIPPING COMPANY REPRESENTATIVES – VISIT TO SEYCHELLES

(No. B/770) Mr G. Guinness (Third Member for Montagne Blanche & GRSE) asked the Minister of Business, Enterprise and Cooperatives whether in regard to the air tickets bought by the State Trading Corporation for its General Manager and two representatives of the Pratibha Shipping Company of India who travelled to the Seychelles, he will, for the benefit of the House, obtain from the Corporation, information as to –

- (a) when;
 - (i) payment was effected, and
 - (ii) the Company refunded same, and

(b) if the Board was apprised that these persons would be effecting this visit and, if so, table copy of the Notes of Meeting in relation thereto.

Mr Gowressoo: Mr Deputy Speaker, Sir, I am informed by the State Trading Corporation (STC) that payment of air tickets for the General Manager and the two representatives of Pratibha Shipping Company of India who travelled to Seychelles was effected on 12 May 2009. I am tabling a copy of the payment voucher, Mr Deputy Speaker, Sir.

With regard to part (ii) of the question, the company refunded an amount of USD 2,215.37 on 26 May 2009 in the STC's foreign currency Account No. 151010944201 with SBI Mauritius. I am tabling a copy of letter from SBI certifying that the account is a foreign currency account.

With regard to part (b) of the question, as already indicated in my reply to PQ B/605 of 23 June, STC Board was apprised of the visit of the General Manager on 08 April and on 21 April, a brief of the outcome of the visit was approved. I am laying the extracts of the Minutes of the relevant Board meetings.

As I said in my reply, Mr Deputy Speaker, Sir, to PQ B/605, it would not be appropriate for the STC Board to approve the visit of the representatives of Pratibha Shipping Company to Seychelles.

Mr Guinness: Mr Deputy Speaker, Sir, the hon. Minister said that the Board approved the visit of the General Manager to Seychelles. But my question is whether the Board was made aware that the General Manager will be travelling together with two representatives of Pratibha Shipping Company to Seychelles.

Mr Gowressoo: Mr Deputy Speaker, Sir, as I have said in PQ B/605, the STC Board is not entitled to know whether these people are travelling to Seychelles because they were going to India through Seychelles, Dubai and then Bombay. So, where does the matter stand, Mr Deputy Speaker, Sir?

Mr Gunness: Mr Deputy Speaker, Sir, the STC has paid the air tickets for the two gentlemen. The two gentlemen were in Mauritius. Can the Minister confirm and can he state whether he does not find that there is a conflict of interests, because I see in the same statement of account that the Minister laid on the Table that the STC has dealings with Pratibha Shipping Company. For example, on 21 May, there is an account of Pratibha Shipping Company with STC which has been debited by \$878,000 in favour of Pratibha Shipping. It means that the STC has dealings with Pratibha Shipping Company. Now, the General Manager is travelling together with the two gentlemen of Pratibha Shipping Company and the Minister wants us to believe that the Board must not be made aware that he is travelling with the two gentlemen!

Mr Gowressoo: Mr Deputy Speaker, Sir, as the Pratibha Shipping Company is working with STC, it should be in foreign currency account. That is why it is for another...

(Interruptions)

Yes, it should be in the foreign currency account. It is a debit account, Mr Deputy Speaker, Sir. So, we have paid.

Mr Gunness: Mr Deputy Speaker, Sir, I think the Minister must listen to my question first. I am saying whether the Minister does not think that there is a conflict of interests because the STC has dealings with Pratibha Shipping Company and the statement of account shows clearly that STC has dealings with Pratibha Shipping Company. Therefore, why the Board must not be made aware that the General Manager is travelling together with two gentlemen of Pratibha Shipping Company?

Mr Gowressoo: Mr Deputy Speaker, Sir, Pratibha Shipping Company is working with STC since 2006/2007 for the transportation of petroleum products. So, they came to Mauritius for business issues and while the General Manager was travelling to Seychelles, both of them were interested to go to Seychelles and then to India. Then, a common air ticket was issued by the IKS, which I tabled last time on the Table of the Assembly, Mr Deputy Speaker, Sir. So, where is the conflict of interests? The transportation of Pratibha is one thing and this one is another thing.

Mr Guinness: Therefore, the Minister is willing to tell the House that anybody who would have wanted, at that particular point in time, to travel with the General Manager to Seychelles, the STC would have paid the air ticket and then get the refund later on?

Mr Gowressoo: I am not saying anybody, Mr Deputy Speaker, Sir. This is the case because they came to Mauritius for business issues with STC, then they travelled to India through Seychelles and Dubai and then Bombay.

(Interruptions)

Mr Guinness: Can I know from the hon. Minister why the Pratibha Shipping Company took almost two months to refund the amount of USD2,215?

Mr Gowressoo: Mr Deputy Speaker, Sir, I have replied, on 12 May 2009 we have paid the bill and it was refunded on 26 May 2009.

(Interruptions)

Mr Dowarkasing: Mr Deputy Speaker, Sir, I just want to know from the hon. Minister whether there was any request from Pratibha Shipping Company to purchase those tickets or whether it was a decision by the STC to purchase them?

Mr Gowressoo: Mr Deputy Speaker, Sir, as I said, when they were here in Mauritius for the business trip with STC and when they happened to know that the General Manager is going to Seychelles, then they asked to purchase the tickets, Mr Deputy Speaker, Sir. Otherwise, there was no reason to go to Seychelles.

**SUGAR INDUSTRY PENSION FUND BOARD –PENSIONS & END-
OF-THE-YEAR BONUS 2009**

(No. B/771) Mr G. Guinness (Third Member for Montagne Blanche &

GRSE) asked the Minister of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions whether she is aware that the Sugar Industry Pension Fund Board is not granting any increase in 2009 to the beneficiaries of pensions and that the end-of-the-year bonus for 2009 will not be paid and, if so, state the reasons therefor.

The Minister of Education, Culture and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

As the House may be aware, the Fund is governed by the Sugar Industry Pensions Fund Act 1955. It was established to provide certain financial benefits to the employees of the Sugar Industry or the heirs of such employees.

I am informed that the control and management of the Fund's assets is vested with a management company which is a wholly owned subsidiary of the Fund. Though as per the Act, it is required to carry out actuarial valuations at intervals of not more than five years, the Fund has been undertaking actuarial valuations of its liabilities every year and bonuses are distributed if there is a surplus in the Fund. It has thus been paying bonuses and increments in pensions with increases in the Fund's value.

I have, however, been informed, Mr Deputy Speaker, Sir, that the Fund has notified its pensioners, by way of a circular letter, of its decision of not increasing pension for this year following the actuarial review carried out for the year ending 2008, and that the thirteenth month in December 2009 will also not be payable.

The reasons, I am advised are that –

1. There is a lot of uncertainty as to the performance of the Fund's assets over the next two years due to the financial crisis and that the Board needs to be prudent in taking decisions which could increase cost and jeopardise the long-term financial sustainability of the Fund.

2. The application of VRS has led to a significant increase in the amount of pensions paid by the Fund and that these pensions are being paid earlier than anticipated.
3. There has been a reduction in the number of contributors.
4. That the fair value of the Fund has decreased by nearly half a billion rupees.

I have also been advised that the Fund will be holding meetings round the island to explain to its pensioners the reasons for its prudential decisions.

Mr Bérenger: Could the hon. Minister say who chairs the Board and who are the actuaries?

Dr. Bunwaree: I have the Annual Report 2008. I think it's the same person up to now; it is Mr Eric Espitalier Noël. Concerning the actuaries, I don't have this information. I'll have to look into it.

Mr Guinness: Can I know from the hon. Minister whether he tried to see if the Sugar Industry Pension Fund Board had to pay the increments and the *treizième mois*, how much money would have been needed for the fund to be able to meet that obligation?

Dr. Bunwaree: I have not personally looked into that, but, I think, this has been taken on board in the decision that has been taken.

Mr Bérenger: I know the hon. Minister is replacing his colleague, but if he can have the information. Is the Sugar Industry Pension Fund Board the only Pension Board that falls under the control of the Ministry of Finance that has stopped paying an increase in pension and end-of-the-year bonus?

Dr. Bunwaree: I have to look into that. This Fund was set up under an Act of Parliament and I can inform the House that there is a *flou* as to under which Ministry it really falls. But I have replied to the question in any case.

Mr Guinness: Mr Deputy Speaker, Sir, we know that Government has recently voted a Stimulus Package of nearly Rs10.4 billion. Now, for these pensioners, at least, the Government can try to find the necessary amount of money which is needed so that they can get their increments and end-of-the-year bonus. I think that if we can provide Stimulus Package for the private sector, why not for these poor pensioners?

Dr. Bunwaree: This is a private Fund which, in fact, has been enacted in Parliament. I am giving the answers as far as I can, Mr Deputy Speaker, Sir.

WINSTON CHURCHILL STADIUM, CUREPIPE – USE & BOOKING

(No. B/772) **Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Minister of Local Government, Rodrigues and Outer Islands whether in regard to the Winston Churchill Stadium in Curepipe, he will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to if it is meant for commercial or sporting purposes, indicating, since January 2005 to date –

- (a) how and by whom it has been used;
- (b) the use and booking till December 2009 and by whom, and
- (c) the number of requests for use thereof which have been refused.

Dr. David: Mr Deputy Speaker, Sir, I am informed by the Municipality of Curepipe that the Winston Churchill Stadium in Curepipe is not meant for commercial purposes but for purely sporting activities. In this context, the stadium is being used since January 2005 to date for training purposes by the Curepipe Starlight Club, Curepipe Joachim, *Centre de Préformation de Football, École d’Athlétisme*, MFA Curepipe Region, clubs, colleges and primary schools of the region.

With regard to part (b) of the question, I am informed that the stadium has been closed as from mid June 2009 for maintenance purposes and it will be re-opened by the end of September 2009. A list of the bookings made from October to December 2009 is being laid in the Library of the National Assembly.

As far as part (c) of the question is concerned, I am informed that many requests, made by clubs and individuals for the use of the stadium, have been refused due to overbooking.

Mr Dowarkasing: Mr Deputy Speaker, Sir, can the hon. Minister confirm to the House whether this stadium has not been rented to the Beachcomber Group for the holding of a football tournament depriving the local football teams? Can he confirm that, if he has the information?

Dr. David: No, I cannot confirm. I'll check.

UNITED BUS SERVICE – DRIVERS & CONDUCTORS - INSURANCE SCHEME

(No. B/773) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Minister of Labour, Industrial Relations and Employment whether he will state if representations have been received at his Ministry to the effect that the drivers and the conductors of the United Bus Service are not covered by any insurance scheme in case of accidents and, if so, indicate if an inquiry has been carried out thereinto.

Mr Chaumière: Mr Deputy Speaker, Sir, the answer is no.

The Deputy Speaker: Next question, please!

LA BRASSERIE, CUREPIPE – COMMON ROAD - REPAIRS

(No. B/774) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware of the poor state of the common road at La Brasserie, Curepipe which serves as common access to the Civil Aviation Station, the Special Mobile Force explosive and munitions dépôt and Indian Research Office and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to the remedial actions that will be taken.

(Withdrawn)

MISS L. M. R. – EMPLOYMENT SERVICE - REGISTRATION

(No. B/775) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Minister of Labour, Industrial Relations and Employment whether he will state if one Miss L. M. R. is registered at the Employment Service of his Ministry and, if so, since when, indicating if she has been referred for an employment.

(Withdrawn)

CEB - 2009 CALENDAR – QUOTATION EXERCISE

(No. B/776) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether in regard to the printing of the 2009 calendar of the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to the cost thereof, indicating –

- (a) if any tender exercise was carried out;
- (b) if bids were received as per specifications;
- (c) the name of the printing company, and
- (d) the number of calendars printed.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am informed that in December 2008, the CEB produced 375,000 Desk Calendars and 100,000 Pocket Calendars for the year 2009.

The total cost of production for both calendars amounted to Rs831,250 plus VAT.

As regards part (a) of the question, a request for quotation exercise - not tender - was carried on 26 December 2009 and the closing date was 30 December 2009.

Ten printing firms were invited to quote and at the closing date, eight bids were received. Six of them were as per specifications.

As for the name of the printing company, I am informed that the CEB awarded the contract for the production of Desks Calendars to Reshini Limited for the sum of Rs731,250 plus VAT and for the production of Pocket Calendars to Bahadoor Printing for the sum of Rs100,000 plus VAT. Both were the lowest responsive bidders.

Mr Bhagwan: May I know from the Deputy Prime Minister whether he is aware of the efficiency and good governance of the CEB? I can lay on the Table of the Assembly a calendar - nearly half a million rupees - without a year which has been given to consumers. Can we know what action – because if we have some problems and we don't pay the CEB, we have a 20% surcharge; I know that the Minister is aware of that – has been recommended to the Board of the CEB to take and who is the person who has done the follow-up? Was the General Manager or the Chairman involved? For the information of the House, can I lay, on the Table of the Assembly, a calendar without the year? It might be 2015.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I was hoping the hon. Member would give both calendars, one with the 2009 and one without. The answer is that attention was brought from the press that this was the case and we have no information on how many have no year printed on the calendar, unfortunately. We have contacted the printing press and they have given 2000 extra copies free to make up for this deficiency. We are informed that maybe the vast majority – as I said, we have no figures for those which have no dates on them and we have made an inquiry and the information is as follows. When the award was given, it was checked, the printing was all right, the samples were all right, the deliveries were all right, but, at a certain point, I gather that each and every delivery was not checked and distributed to the post without checking.

Mr Dayal: I have got one where it is mentioned by the year 2009. I understand there is a mistake. Can I ask the hon. Deputy Prime Minister whether this decision of promoting the selling of bulbs emanates from the Board?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am given to understand by management that the calendar is not the main issue. The main issue is the advertisement for low energy bulbs, the CFL and that the calendar was a side issue. I don't buy this, but I think also in a perverse way, Mr Deputy Speaker, Sir, this has brought attention to the low energy bulbs and, I think, it has attracted a lot of publicity.

Mr Jhugroo: May I know from the hon. Deputy Prime Minister how many of these calendars have been distributed?

The Deputy Prime Minister: 375,000.

Mr Jhugroo: How many have been distributed to consumers?

The Deputy Prime Minister: We have no information about how many have been distributed.

Mr Jhugroo: What means have been used to distribute calendars to consumers?

The Deputy Prime Minister: Through the post.

Mr Dowarkasing: Mr Deputy Speaker, Sir, do you think it is proper for the Central Electricity Board to spend millions on calendars at a time when their finance is in the red?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I do not quite agree with the hon. Member. As stated, the idea was to promote low energy bulbs. I think it is a valid proposal except for the mistake in the calendar itself. The calendar is, as I was told, a side issue to convey the message about low energy bulbs.

Mr Bhagwan: Mr Deputy Speaker, Sir, my problem is not with the calendar. Somebody has not done his job properly and the Chairperson of the CEB,

since he has assumed duty, has largely advertised, on several occasions, that he won't allow any *manquement*. Many manual workers – I am saying it without any hard feeling – had been taken to task on minor discrepancies or otherwise. Can the Deputy Prime Minister, at least, see to it that somebody be accountable for that, I would say, mismanagement of the whole issue?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I quite agree with the hon. Member. The difficulty has been, as I said, we don't know what number of calendars had gone without a year printed on it and it is difficult, therefore, to know which batch and how many. We have gone through it and I can promise the hon. Member that we are not leaving it as it is.

Mr Jhugroo: Mr Deputy Speaker, Sir, the CEB has spent about Rs851,250 for the printing of calendars. I asked a question regarding the inhabitants of Cité La Cure who have not been connected with electrical supply because of Rs800,000. Here, they are printing calendars and the inhabitants of Cité La Cure do not have, up to now, the electrical supply. How do you explain this, hon. Deputy Prime Minister?

The Deputy Prime Minister: The hon. Member has to reply to this, I don't see the connection. As I said, the issue of low energy bulbs is a very important issue in this Government.

The Deputy Speaker: Thank you. The Table has been advised that PQ Nos. B/785 and B/786 have been withdrawn. Time is over!

MOTION

SUSPENSION OF S.O 10 (2)

The Deputy 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.

Dr. Boolell rose and seconded.

Question put and agreed to.

At 4.15 p.m. the sitting was suspended.

On resuming at 4.53 p.m. with the Deputy Speaker in the Chair

PUBLIC BILL

Second Reading

**THE ADDITIONAL REMUNERATION BILL
(No. XV of 2009)**

Order for Second Reading read.

The Minister of Labour, Industrial Relations and Employment (Mr J. F. Chaumière): Mr Deputy Speaker, Sir, I beg to move that the Additional Remuneration Bill (No. XV of 2009) be read a second time.

Mr Deputy Speaker, Sir, the object of this Bill is to provide for the payment of an additional remuneration to workers in the private sector drawing a monthly basic wage or salary of 12,000 rupees or less, as a measure of compensation for, *inter alia*, the increase in the cost of living during the last financial year.

As has been the practice during these last two years, the Additional Remuneration Bill incorporates the recommendations made to Government by the National Pay Council on the quantum of salary compensation to be paid to workers of the private sector as from 01 July 2009.

The compensation proposed this year is 5.1% for those drawing salary up to Rs3,800 monthly and a uniform compensation of Rs200 for those in the salary bracket of Rs3,801 to Rs12,000 monthly. Exceptionally this year, in view of the financial crisis, the Council has recommended that no salary compensation be paid to workers drawing more than Rs12,000 monthly. These recommendations have been approved by Government.

Mr Deputy Speaker, Sir, I am given to understand that, in arriving at these figures, the National Pay Council has taken into consideration the inflation rate which was 7% for year 2008-2009, labour productivity growth during the year which, according to the Central Statistics Office figures, was 1.6%. Consideration was also given to the capacity to pay although it was recognised that with the deterioration of the economic situation in the context of the crisis, there was poor visibility in various sectors, including with regard to employment. The same methodology as applicable last year was adopted to arrive at the figure of 5.1%.

The Additional Remuneration Bill 2009, once enacted, will make it a legal obligation on all employers in the private sector in Mauritius, whatever be the size of their enterprise or the status of their finances, to pay the prescribed minimum compensation to their employees.

Despite the economic crisis, there are some enterprises which are performing well and may, therefore, have the capacity to pay more than the prescribed minimum compensation. I am making an appeal that this year also all enterprises which can afford to pay more, to do so in a gesture of solidarity.

I have to draw attention to the fact that there is also the possibility for employers and workers to negotiate at enterprise level through the collective bargaining process which has been clearly set out in the Employment Relations Act 2008. Stakeholders can therefore avail themselves of this process to negotiate any additional compensation that their enterprise is in a position to pay to its workers.

Mr Deputy Speaker, Sir, the payment of the salary compensation is expected to cost Rs1,440 m. to the economy – Rs775 m. for the private sector and Rs665 m. for the public sector. Some 54,000 workers who are at the lower rung of the ladder, representing 13% of the workforce, will benefit from the payment of salary compensation at 5.1%. The second level of compensation, that is, the flat rate of Rs200 will benefit some 242,000 workers, representing 58% of the workforce. Overall, around 296,000 workers, that is, 71% of the labour force will receive a salary compensation this year.

I would here like to strongly appeal to the remaining 29% of the labour force who will not benefit from the salary compensation this year, to accept this decision in a spirit of patriotism and solidarity with the more vulnerable segments of our population. Every effort counts in our move to save jobs and redress the economy.

Mr Deputy Speaker, Sir, according to the ILO, millions of workers across the world are facing “painful” wage cuts. Difficult times lie ahead for the world’s 1.5 billion wage-earners and still according to the ILO, the total number of people without work will reach 210 million by the end of this year.

In a bid to save jobs in these difficult times, many countries are having recourse to wage cuts and pay freezes. In the USA, for example, the White House has given the green light for nationwide wage-cutting. Such giants as Chrysler and General Motors, amongst others, have slashed wages of new recruits by 50% and will not be paying their employees any compensation for increase in the cost of living.

In many other countries, Singapore, Japan, India, UK, France, South Africa, to name a few, many companies are reducing working hours, decreasing or simply eliminating benefits and proceeding with temporary lay-offs in addition to wage cuts and freezes. Singapore Airlines, for example, is implementing a salary cut ranging from 10 to 20 per cent.

No country, Mr Deputy Speaker, Sir, is protected from the impact of the global financial and jobs crisis. The tidal wave of job losses has hit Australia as well. The Australian Government has also called for wage cuts to save jobs.

Mr Deputy Speaker, Sir, thanks to the many efforts being made on all fronts, we have been able in Mauritius to prevent massive job losses. As a caring Government, we are not only protecting employment, but we are also ensuring that workers belonging to low-income groups are granted a measure of salary compensation, which is affordable and which will help them cope with the loss in their purchasing power. Needless to say that, had it been possible, we would have done much more.

With these words, Mr Deputy Speaker, Sir, I commend the Bill to the House.

Dr. Bunwaree rose and seconded.

(5.00 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Deputy Speaker, Sir, we are being called upon to approve this Additional Remuneration Bill, which is totally unsatisfactory, and we are being called upon to do that less than one week after the price of petroleum products, diesel and *essence*, has, once more, been increased by the maximum of 7.5%. We all know, Mr Deputy Speaker, Sir, the cascading effect of such increases on prices in general and, therefore, its impact on the rate of inflation during the incoming days.

That maximum increase of 7.5% of the prices of *essence* and diesel *a causé une indignation et une colère généralisées à travers le pays*. In trying to justify this unacceptable proposal contained in the Additional Remuneration Bill today, the hon. Minister has, again, hidden behind what is left of the National Pay Council (NPC). Everybody is aware that the NPC *est devenu une farce*. It has no credibility left; it can be compared to the STC, except that it doesn't have our billions of rupees to waste, as the STC has. The National Pay Council has no credibility left. The National Pay Council *est devenu une farce*.

Looking at the figures, the wage compensation proposed, I don't think any of us will be long because we had the occasion of speaking on that when the same figures were proposed by the hon. Minister of Finance when he presented his Budget at the beginning of May. And then, I put a Private Notice Question on 27 May to try and make the so-called caring Government - we have been served with the same *plat réchauffé* by the hon. Minister a few minutes ago - move. We tried to get Government to improve on what was proposed in the Budget Speech. We have not succeeded, and the way Government has behaved in this matter shows that it is anything, but a caring Government.

The cost of living has increased over the year by 7%. What is being proposed is much less than 7%; 5% to the lowest paid and to the *pensionnés, veuves et orphelins*; those who benefit from social payments, Mr Deputy Speaker, Sir. We tried, and this is the third time we'll be trying to get Government to improve, especially concerning *les pensionnés, les veuves et les orphelins*. We failed. This supposedly caring Government refused to give special consideration to the *pensionnés, veuves, orphelins*, and to the lowest paid, Mr Deputy Speaker, Sir. At the same time, Government, again, refused to move as far as this unprecedented decision to cap any wage compensation at Rs12,000 per month. I don't think there is anybody in the country that will say that people earning Rs12,000 do not deserve any wage compensation. This is unprecedented, and I heard the hon. Minister say this is exceptional. We'll see. But, definitely, as far as we, in the Opposition, are concerned, what is being proposed cannot be accepted. It should be improved as far as the 5% and Rs200 of wage compensation being proposed is concerned, and the ceiling of Rs12,000 certainly should go, Mr Deputy Speaker, Sir.

After having tried to justify *l'injustifiable* by hiding behind the NPC, the so-called National Pay Council, then the hon. Minister took us *pour un petit tour du monde*. We went to Singapore, all over the place; we were given figures of jobs lost here and there, *mais l'ironie c'est que* the figures for the first quarter are before us. Just to consider the export-oriented enterprises of Mauritius, in spite of all this talk of not granting a well-deserved wage compensation to save jobs, as the hon. Minister of Finance usually says, the fact remains that, during the first quarter of 2009, 3,597 jobs were lost. Some were created, a lot were lost, bottom-line employment in that sector - the export-oriented enterprises -, total employment in that sector went down by 3,597 jobs during the first quarter of 2009. We shall soon have the figures for the second quarter of 2009, and then we'll see how the situation evolves during 2009 as a whole.

So, we have been unsuccessful, unfortunately, in having Government behave as a caring Government, improve on what was proposed in the Budget Speech and which is proposed today; the same figures, the same unacceptable proposals, Mr Deputy Speaker, Sir.

On one point, at least, Government, it seems, has back-pedalled. It seems that the hon. Minister of Finance has been called to order, because nothing is changing. Government is staying put as far as the quantum and the ceiling of Rs12,000 are concerned. But, you'll remember, when

I put a Private Notice Question on 27 May, after Budget presentation, therefore, at one point, towards the end of the exchange, I told the hon. Minister of Finance that, from what I have heard from him, seems to indicate that there will be no Bill granting a minimum wage compensation for all the workers of the country and that, supposedly, as has been claimed, those who cannot pay will not pay. And the hon. Minister of Finance replied: 'There will be a Bill, but there will be exceptions.' I tried, on several occasions, to know what is meant by that, whether sectors of the economy or categories of employees would be left out, would be, therefore, exceptions. At least, on that, Government has back-pedalled. After the Minister of Finance had said that there will be exceptions, today there are no exceptions. As in the past, the Bill that is before us will apply to all employees, up to Rs12,000 per month, in every corner of the economy. That is not to say that it is satisfactory. Not at all! But it would have been adding insult to injury, it would have been even worse if indeed, as the Minister of Finance had said, there would be exceptions. I repeat, we, in the Opposition, are totally dissatisfied with what was proposed on the presentation of the Budget in the beginning of May and to what is proposed today. We say, loud and clear, that a caring Government would give to pensioners, *les pensionnés, les veuves, les orphelins*, all those who benefit from social payments a better deal than what is being proposed today and we also say that the ceiling of Rs12,000 is not acceptable.

The last point which I will make is that, yes, employees, wage earners were very worried after the hon. Vice-Prime Minister & Minister of Finance had said that there would be exceptions - that will be behind us. But, there is another point which I raised. This year, we've moved to a calendar year. This year, as from 01 July 2009, an unacceptable wage compensation is proposed to the wage earners, *aux salariés du pays*. Those *salariés*, those wage earners are entitled to know as from 01 July 2009 - we are getting an unsatisfactory wage compensation. They are entitled to know; they should be enlightened as to when the next wage compensation will take effect, because we have moved from a financial year to a calendar year. Will there be another wage compensation as from 01 January 2010? Or, as far as the wage compensation is concerned, is it going to be 01 July 2010, or is it going to be 01 January 2011 - which would be even more unacceptable?

I hope that when the Vice-Prime Minister & Minister of Finance sums up or when others from the Government side take the floor, they would clear this point because just as employees who are entitled to know that there would be no exceptions to an already unsatisfactory wage compensation, just the same they are entitled to know when they can expect the next wage compensation to take effect. Will it be 01 January 2010, 01 July 2010 or 01 January 2011?

Thank you, Mr Deputy Speaker, Sir.

(17.12 p.m.)

The Minister of Education, Culture & Human Resources (Dr. V. Bunwaree): M. le président, nous avons devant nous un exercice parlementaire habituel, régulier, qui vient une fois tous les ans. Je me rappelle qu'à la prise du pouvoir de ce gouvernement, quand on a commencé à parler de réforme, en particulier dans le système de calcul de *wage compensation* et aussi le système de révision annuelle, il y avait de la part de certaines personnes, mais aussi au niveau de la Chambre, la crainte que le gouvernement risque de ne pas venir avec ce projet de loi comme cela était de coutume dans le passé. Nous avons donné la preuve chaque année, en venant au début du mois de juillet avec ce projet de loi et, bien entendu - cela doit être au mois de juillet, mais cela risque de changer parce qu'on a un budget que pour six mois - c'est obligatoire parce

que c'est à la fin du mois de juillet que les employeurs, que ce soit le gouvernement dans le cas du service civil, ou les employeurs du secteur privé, doivent ajouter la compensation aux salaires de leurs employés dans le pays.

Le premier point, c'est qu'on a gardé parole, on ne s'est pas défait de ce système parce qu'on n'a pas d'autres moyens que de légiférer, chaque année bien entendu, parce qu'il y a des changements dans le quantum et dans la façon de calculer, mais dans le principe on a maintenu cette habitude et ce système de donner une compensation aux travailleurs du pays.

M. le président, cette compensation est supposée compenser la perte du pouvoir d'achat de l'année précédente. Bien entendu, le *Leader* de l'Opposition vient de parler de la hausse du prix de pétrole qui a été appliquée cette semaine. C'est la routine, c'est le système qui est comme cela. Cette hausse est venue au mois de juillet et va être comptabilisée l'année suivante - pour l'instant dans les six mois à venir. Donc le 1^{er} juillet n'est pas compté dans le calcul qui est fait dans le projet de loi qui est devant cette Chambre maintenant, parce que ce qu'on a fait dans les douze mois précédents - du 01 juillet 2008 au 30 juin 2009 - est basé sur ces douze mois. Le calcul a été fait maintenant par le *National Pay Council* et on est arrivé avec un quantum avec beaucoup de difficulté et on a proposé cela à la population. Mais les prix augmentent au fur et à mesure pendant le cours de l'année. Il y a les spécialistes/experts qui font le travail. Je dois dire aussi que maintenant nous avons le *National Pay Council* - et contrairement à ce que faisait le comité tripartite avant - qui continue à suivre tous les mois les mouvements des chiffres du taux d'inflation des prix dans le pays pour pouvoir en discuter au moment voulu, c'est-à-dire après les douze mois - à la fin de l'année - pour décider sur le quantum à proposer pour l'augmentation. Ce qui n'existait pas avant, parce qu'il y avait un comité tripartite, présidé par le ministre des finances et d'autres ministres, avec les représentants des travailleurs et représentants des employeurs. Il y avait beaucoup de *gimmicks* ; des personnes qui, de l'autre côté de la Chambre, ont été comme moi ministre des finances savent très bien que déjà, au démarrage de l'exercice, ce qu'allait être la décision finale, peut-être avec une petite modification plus ou moins de cinq ou dix roupies, mais on laissait parler les syndicalistes, ils faisaient leurs points tout comme les employeurs. J'ai été à l'origine du changement de ce système et j'ai archi expliqué à la Chambre qu'il fallait être sérieux. Maintenant on va mettre sur pied un système qui reflète exactement ce qu'on fait. Avant il y avait beaucoup de 'cinéma' et la réalité n'apparaissait pas. Maintenant la réalité apparaît parce que, deuxièmement, en ce qui concerne le travail fait, on sait très bien qu'on avait déjà pris en considération non seulement le taux d'inflation, sinon cela allait être un exercice mathématiques. Taux d'inflation 5.5%, on n'a qu'à prendre 5.5% on multiplie et on obtient le chiffre. A ce moment-là, à quoi cela sert d'avoir un comité tripartite ? S'il faut augmenter, comme le disent les membres de l'autre côté de la Chambre, cela doit refléter exactement le taux d'inflation. Les syndicalistes disent la même chose et pourtant savez-vous combien de travail a été fait pour arriver au *National Pay Council* ? Ceux qui sont dans cette Chambre, qui ont été au gouvernement avant, et peut-être ont été Premier ministre ou ministre des finances ont essayé d'arriver à un changement. A notre arrivée au gouvernement, on l'a fait parce qu'on était en phase de réforme ; on l'a expliqué à la population et on a fait ce qu'il fallait faire. Mais il faut admettre que le système est nouveau. Il faudrait quand même qu'il y ait une période de rodage - on est dans cette période. Je fais un appel pressant, pas seulement aux membres de l'autre côté de la Chambre, mais surtout aux camarades syndicalistes qui ont décidé de jouer aux abonnés absents et de laisser les chaises vides. Ceux qui ont une expérience dans ce travail, de présider les comités tripartites dans le temps, savent très bien qu'au dernier moment il y a toujours un petit plus qu'on donne. Cela peut être R 5 ou R 10, mais comme je disais cela fait

une grosse somme pour l'économie ; cela va être multiplié par le nombre de travailleurs du secteur public et du secteur privé. Il y a toujours quelque chose pour montrer aux travailleurs qu'on est de leur côté, alors on donne toujours un petit plus. Mais, M. le président, le fait que les syndicalistes jouent aux abonnés absents fait que la voix des travailleurs ne se fait pas entendre directement au sein de ce comité. Voilà le résultat ! Je déplore ce fait. Je suis convaincu que si les syndicalistes étaient présents au moment de la discussion, peut-être que la somme de R 12,000 aurait été R 13,000, R 14,000 ou R 15,000 ; peut-être que le 5.1 aurait pu être 5.2, une petite augmentation certes, mais il y aurait sûrement un mouvement. Il faut donc que la population retienne que l'absence des syndicalistes a été responsable des résultats qu'on a et des projets de loi qui sont devant nous aujourd'hui avec ces quantums mentionnés.

M. le président, je voulais aussi vous dire que le quantum qui a été décidé est exceptionnel parce qu'on est dans une période exceptionnelle, un état de crise. Mon collègue l'a dit tout à l'heure qu'il y a beaucoup de pays qui ont fait des choses beaucoup plus drastiques. Il a donné quelques exemples. *It is important for me, Mr Deputy Speaker, Sir, just to allow the population to reflect upon this and to know what is happening in other countries in the world. Let us take the United States! The majority of the States have been given a deadline of June 30 to pass their budgets and just as important, those budgets have had to be balanced and they are not allowed to run deficits. Raising taxes have not prevented cuts in so many items. Some States have slashed blotted programmes such as prisons. And New Hampshire, for example, has agreed to cut US\$25 m. in personal costs either through lay-offs or furloughs, that is, compulsory unpaid leave given to workers. In California, the Teachers' Pension Plan which was decided to furlough employees for 2 days each months; unpaid leaves, deux jours par mois.* Les choses qui existent, qui sont là palpables et que tout le monde doit connaître.

In California, home care workers who look after the infirmed in their own houses have demonstrated, because they were not happy, why, because their pay has been cut by a minimum wage of \$8 per hour. *On peut multiplier encore.* Latvia, one rare country in the world where people do not speak a lot about, they have had cuts of 20% or more in the public sector. Singapore has been mentioned by my colleague. I can also say that not only in the Government sector, but in the private sector also, CPO, Mark, Herd announced on June 2009 that its 100,000 employees will all have to take pay cuts. The pilots of Singapore Airlines - I think this also has been mentioned by my colleague - will take one day of leave without pay each month with a cut of 65% off one day's pay. British Airways, Mr Deputy Speaker, Sir, in an email sent recently to about 30,000 employees has asked them to volunteer one month of unpaid leave or unpaid work.

Cela se fait dans tous ces pays du monde. On doit être satisfait et content à Maurice qu'on n'est pas arrivé jusque là. Air India aussi c'est la même chose encore. Dans presque tous les pays du monde on a à faire face à la crise présente et on a été obligé de passer à des mesures drastiques. A l'île Maurice, on n'est pas quand même arrivé jusque là, on demande un effort particulier à une certaine catégorie de personnes, mais à ceux qui sont vraiment au bas de l'échelle, mon collègue l'a dit, il y a - si je ne me trompe pas - 70% à 72% de personnes qui en bénéficieront. On fait appel à ces autres personnes.

Deux fois dans les années précédentes, on a demandé à ceux qui pouvaient payer plus, de le faire. Parce que le système fonctionne d'une certaine façon, le quantum qui est mentionné est un quantum qui est applicable à tous. Mais parmi ceux qui vont payer, il y en a qui sont dans des difficultés, mais ils doivent faire un effort spécial. Cela a été ainsi pendant toutes les années. Quand on met le barème à payer, il y a certaines compagnies qui font de gros profits et pour qui

le quantum n'est pas significatif car elles auraient pu payer plus. Mais, elles sont obligées de payer ce que la loi dit, donc la partie minimale. Mais, il y a des compagnies qui sont dans des difficultés et qui n'auront pas les moyens de pouvoir payer. Donc, elles doivent faire un effort spécial. On a accepté que ce minimum soit ainsi. A ce moment là, on avait dit que ceux qui ont les moyens et qui ont fait des gros profits, il ne faut pas qu'ils restent sur le quantum qui a été mentionné par la loi. Il faut qu'ils fassent l'effort spécial. Là, encore une fois, je regrette parce que quand on a discuté avec les syndicalistes pour qu'ils comprennent le pourquoi de ces changements qu'on a apportés, j'étais moi-même le responsable de ce qui se passait dans les discussions. Je leur avais fait comprendre que je voulais mettre dans la loi l'obligation pour qu'après le travail qu'on est en train de faire ici avec le *Additional Remuneration Bill*, aussitôt que cette loi soit votée, que les patrons qui ont été du côté où il y a eu de bons profits, soient obligés de venir à une table de négociations avec les travailleurs pour voir. J'avais même proposé qu'ils aient le support des statisticiens et des économistes payés par le gouvernement, pour les aider à pouvoir comprendre les chiffres autant bien que les patrons et venir discuter quel doit être le quantum à ajouter par rapport au *Additional Remuneration Bill*, c'est-à-dire le quantum qui est décidé par les parlementaires.

Donc, pour ceux qui étaient dans la possibilité de payer plus parce qu'ils avaient réalisé de bons profits, on voulait légiférer pour les obliger à venir en bipartite, si je peux le dire, patronat et syndicats, mais les syndicats aidés par le support, avec l'aide du gouvernement, des économistes et des statisticiens pour discuter d'égal à égal. Même dans la loi du travail on a mis la possibilité pour que cela se fasse dans la transparence et pour que les patrons soient obligés de venir avec les comptes sur la table de négociations, ce qui ne se faisait pas dans le passé. Mais encore une fois, les syndicalistes ont boudé et jusqu'à maintenant cela ne se fait pas. J'espère qu'avec l'aide des amis qui sont de l'autre côté de la Chambre et qui comprennent le bienfondé de ce que je suis en train de dire, on pourrait davantage leur faire comprendre et qu'on puisse améliorer notre système qui, selon moi, est un système qui est bon dans la conjoncture mais qui pourrait être meilleur, bien entendu, si on met en application ce que je suis en train de dire.

Le *Leader* de l'opposition a parlé du besoin des travailleurs de savoir et je le comprends parce qu'on est dans un cadre un peu spécial, spécifique même. On a passé un budget pour six mois. Nous avons une compensation salariale qu'on est en train de voter dans cette chambre et qu'en deviendra-t-il à la fin de l'année? Qu'est-ce qui va se passer? Je pense que *the substantive Minister of Finance* a déjà indiqué que normalement le travail de l'*Additional Remuneration* est pour un an. Donc, dans notre esprit, ce qui est proposé doit durer au moins un an. Mais, arrivé au mois de décembre, *when you come to the bridge, you will have to cross it!* On n'a pas pris une décision encore. S'il y a un autre travail qui sera réalisé par le *National Pay Council* pour déterminer quelle a été l'augmentation pour les six mois. On n'a pas l'habitude de le faire pour six mois mais nous sommes dans une condition exceptionnelle et on va avoir une solution exceptionnelle. Donc, arrivé au moins de décembre, soit on laisse continuer, cela veut dire que le travail sera fait au mois de juillet, soit on vient avec une proposition, on s'assoit et on discute, mais en attendant, il faut que les syndicalistes puissent comprendre parce qu'on ne voudrait pas faire cela sur le dos des travailleurs. Absolument pas, nous ne voulons pas cela!

Donc, M. le président, voilà ce que j'avais à dire à la chambre. J'étais moi-même impliqué dans ce travail et je pense que tout le monde aurait aimé donner le maximum de ce qu'on peut. Tous ceux qui ont eu la responsabilité du ministère des finances, des gouvernements dans le passé savent très bien que c'est un exercice, peut-être le meilleur qu'on puisse faire, dans

la conjoncture, dans notre système. C'est pour donner confiance quand même aux travailleurs et il faut que les travailleurs comprennent qu'il y a d'autres pays dans le monde où la crise a des effets extrêmement néfastes, avec tout ce que le gouvernement a fait, avec les réformes, avec les *Stimulus Packages*, on a fait le maximum pour maintenir l'emploi, autant que faire se peut. Le *Leader* de l'opposition a mentionné lui-même mais il nous donne gain de cause, la menace est sur l'emploi.

On va proposer des sommes faramineuses. Il y a trois possibilités, soit les entreprises vont fermer, surtout les petites et moyennes entreprises qui sont plus sensibles à ce genre d'exercice, ou bien les chefs d'entreprises vont décider de garder les boîtes ouvertes mais de mettre à la porte une partie de leur effectif. Donc, c'est le licenciement, ou bien ce qui est plus important auquel on pense peut-être moins, c'est qu'il y a beaucoup qui sont découragés, si la somme à payer est trop forte, si cela devient trop lourd sur le budget de l'entreprise, ils n'embauchent pas quand ils devraient le faire. Ce qui diminue, c'est l'effet sur l'emploi. Voilà ce que je voulais dire, M. le président. Je pense avoir été assez clair et net que possible et je félicite mon collègue, le ministre du travail, des relations industrielles et de l'emploi, pour avoir réussi avec les moyens extrêmement difficiles à offrir à la nation quelque chose de satisfaisant dans la mesure où cela va soulager ceux qui sont au plus bas de l'échelle.

Merci M. le président.

(5.31 p.m)

Mr S. Soodhun (Fifth Member for La Caverne & Phoenix): Mr Deputy Speaker, Sir, I was listening to the hon. Minister of Education, Culture and Human Resources. I forget whether he is the Minister of Education or the Minister of Finance. I have been participating in many, many tripartite meetings for the compensation for years and years ago together with other trade union leaders. We cannot blame the trade union leaders because they also have the responsibility and they might agree to disagree and this happened when I also was a trade union leader. In fact, I am really surprised, Mr Deputy Speaker, Sir, that every year after the Budget, the Additional Remuneration Bill is presented by the Minister of Finance since more than 15 or 18 years, even the Vice-Prime Minister and Minister of Finance himself presented the Additional Remuneration Bill in 2006. After that...

(Interruptions)

What happened? This is the truth, the reality. I am sorry for my good friend, the hon. Minister of Labour. In fact, today the Minister of Finance would have presented this Bill and not the Minister of Labour and Industrial Relations because the Minister of Finance is concerned about salary compensation, inflation, calculation of inflation, CSO falls under his Ministry, he has all the technicians. I am sure that the hon. Members, even the hon. Minister of Education will agree with me, he is not going to say yes, but I know from his heart that the Minister of Finance should have presented this Bill.

I could have asked a lot of questions to the Minister of Finance which we are very embarrassed to ask my good friend, the Minister of Labour. I do not know why the Vice-Prime Minister and Minister of Finance is scared to meet the trade unions, to hold the tripartite meeting,

to present the Bill, but on the contrary, he is very delighted to have a cup of tea with the private sector, breakfast meeting and so on.

Mr Deputy Speaker, Sir, I would like to start with a statement of the Director General of ILO. Referring to the impact of global recession on the workers, he stated -

“For the world’s of 1.5 billion wage earners, difficult time lies ahead. slow or negative economic growth combined with highly volatile food and energy prices, will erode the real wages of many workers, particularly the low-wage and poorer households, the middle classes will also be seriously affected”.

This is a statement from the Director of ILO.

Mr Deputy Speaker, Sir, a report entitled ‘Global wage report of 2008/2009’ by the ILO once again has warned that the tension is likely to intensify over wages. While inflation was low and the global economy grew at 4.0%, annual rate between 2001 and 2007, growth in wages lagged behind, increasing by less than 2% per year in half of the world countries, the report says. According to the IMF, wages are expected to decline in a large number of countries including major economies. Overall, wage growth in industrialised country is expected to fall, from 0.8% in 2008 to 0.5% in 2009. Mr Deputy Speaker, Sir, all these indicate that there is serious attention which is being given by the international community to wages and protection to workers. If we want genuinely to safeguard the interest of workers it is important for -

- (i) social partners to negotiate ways to prevent a further deterioration in the share of wage relative to the share of profits in GDP;
- (ii) the level of minimum wages should be increased wherever possible to protect the purchasing power of the most vulnerable workers, and
- (iii) minimum wages and wage bargaining should be complimented by public intervention through income support measures.

Mr Deputy Speaker, Sir, unfortunately this is not the case in Mauritius where the Minister of Finance has adopted an economic policy oriented towards the protecting only business community rather than the workers. Mr Deputy Speaker, Sir, the Additional Remuneration Bill presented today is a major setback in our social welfare tradition. This legislation is denying workers the right to decent living wages. For long, long time workers are now being paid a cost of living allowance lower than the rate of inflation.

Mr Deputy Speaker, Sir, we know that people are finding it very difficult to meet the monthly household expenses as prices have gone up. Last year, in addition to price of foodstuffs, the tariffs of the CEB, the bus tickets were increased. According to the CSO average monthly household consumption expenditure increased by 33.4% from Rs11,390 in 2001/2002 to Rs15,188 in 2006/2007. Only food and non alcoholic beverages account for nearly 30% of total household, consumption expenditure and transport are for 15.2%.

Mr Deputy Speaker, Sir, there has been a decrease in the wage index in 2008 in the main employment sector as agriculture, transport, wholesale, retail and textile. The geni-coefficient also shows that the income inequality is increasing. It is a fact that the workers are going through tough times Mr Deputy Speaker, Sir. I don’t know how many hon. Members know about it! I know one, I have seen one, a very senior, senior Minister went to a supermarket at Quatre Bornes, Ram Supermarket. He sat down in his car and asked the family to go into the

supermarket. People came to say, “what is happening, Mr Minister come and see how the price is going up!”. I was there unfortunately or fortunately. I also went to see what is happening because this was a real cinema. He was in the car and why I saw people insulting him - “Come, Mr Minister, come and see what is happening. Come and see how the price is going up then you will know. Why are you sending other people, you sit down, you just put the newspaper up so that nobody can see your face.” This is the fact, Mr Deputy Speaker, Sir. People are suffering. Nobody can deny it. People are coming every day to see the hon. Members, every Wednesday they ask ‘*prête-moi un peu l’argent*’. Every Wednesday people are coming just to borrow money, not only poor people, but also *la classe moyenne*. Even teachers are in a difficult situation! I know people who are in a very difficult situation, who have not paid their CEB bill and they have no electricity at their place. We are facing real situations. We have to admit it. These are facts that the Minister of Finance does not see and never speaks about, Mr Deputy Speaker, Sir!

Mr Deputy Speaker, Sir, the Minister of Finance is talking about stimulating the economy...

(Interruptions)

Mr Deputy Speaker: Order, please, thank you.

Mr Soodhun:.... as an excuse to provide large sums of money to the private sector. He is very generous to some private sectors. Very generous! My good friend, hon. Bodha, in his Budget Speech, explained how poor people can be helped with one billion money. We are not against helping big brothers, no problem, but small brothers, small sisters also are Mauritians. God has given us two eyes and thanks to him, but we cannot see only one side and we do not know about the other side, there must be a traffic signal. This is the problem that we are facing, but Mr Deputy Speaker, Sir do you know how you will stimulate the economy with a mass of unhappy, frustrated workers who are so anxious about the end of the months’ expenses? We cannot say it is like this because of Government. Today, the situation is like this because they are going to work and at the end of the day they have nothing when they calculate what they are going to spend for the day, what they are going to buy, what the salary that they are going to obtain. This is a fact and we have to take care of these people. How can we raise the moral of workers if they cannot eat well, if they are constantly worried about their livelihood and the future of their children? I am worried that in future – I am not praying for that- it can happen that people will feel as other countries, that is, you can have lunch or breakfast, but you are not sure to have dinner. This might happen tomorrow, in Mauritius. It might happen. We pray God that this never happens, but Mr Deputy Speaker, Sir, the economic policy of the Minister of Finance is heartless towards the workers. It is the policy of *dominaires!* It is a one-sided policy. Since 2005, the Minister of Finance has been asking the workers to constantly sacrifice themselves, that is, *serrer ceinture*. Four years have elapsed now and instead of reaping the dividend for their sacrifices, the workers are now being asked to bear the whole burden of economic recession, to pay high prices, to bail out inefficient institutions such as STC, Air Mauritius, NTC etc.

Mr Deputy Speaker, Sir, Government has not shown any respect or solidarity towards workers. It is increasing inequalities, winding the gap between the rich and the poor. Today, it is creating more poverty with the decisions taken by the Minister of Finance. Mr Deputy Speaker, Sir, as I mentioned, the Minister of Finance is giving hundreds of millions to the private

sectors to stimulate business without any serious control, but it has not done anything to bail out the poor.

Mr Deputy Speaker, Sir, the Minister, himself, has admitted some time ago that some fat cats are making an abuse of Government finance and business has given no guarantee to protect employment. These are his words and he has mentioned them. The private sector, in general, has not set the right example. In Japan, in Singapore, during the Asian financial crisis, the Managers first reduced their salaries before extending the burden to workers. How many here – here they buy BMW X6. This is not the...

(Interruptions)

Mr Deputy Speaker: Order, please!

Mr Soodhun: ...culture of business in Mauritius Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, the Additional Remuneration Bill is a one-eye wash in the same way that the National Pay Council is a *farce*. It is proposing an increase of the wages for a small minority of workers earning less than Rs12,000. The Minister of Finance is exclusively worried with this capacity of enterprise to pay, but not all with the capacity of the workers to provide a decent living to their family.

Mr Deputy Speaker, Sir, let me tell you what happened in Australia. In Australia, for instance, the Economic Security Strategy delivered a tax bonus for working Australians in December 2008. A single income family bonus of AUS900 dollars to provide additional assistance for the family that has one main income earner and a training and learning bonus to assist the students. In USA, the Acting Prime Minister gave an example, in USA President Obama's plan to stimulate the economy and protect American families included immediately US\$250 tax cut for workers and their families, an additional US\$250 to tax cut workers and an additional \$250 to seniors if the economy continues to worsen, relief to home owners hit by the housing crisis and an expansion of the unemployment insurance. Examples have been given in UK. It is very important. In UK Government reduced VAT in December in order to protect the purchasing power of the lower income groups through most of the foodstuffs and the educational materials including books are already zero VAT rated. This is in UK. Mr Deputy Speaker, Sir, here Government has simply ignored the poor, the lower income groups and the middle classes. There is no adjustment in the wages of Government fiscal policy to help them in these very difficult times. Mr Deputy Speaker, Sir, in every economic crisis, it is the low, the middle income groups and the poor who suffer the most. They are the most vulnerable and with lack of savings, the institutions must support them. It is cynical that this Government is throwing thousands of millions in aids to failed institutions to wipe-out losses caused by the incompetent management, but cannot find the Budget to pay a decent compensation to the workers. Once again, this is compounded with the problem that in some important sectors minimum wages are even regulated, leaving the door wide opened to exploitation and abuse.

I'll make an appeal to the Minister of Information and Telecommunication Technology. My friend, the Minister of Labour, will approve it. The ILO has, in its report, in compliance with the Convention, pointed out that there are four sectors - the ICT, the financial and other services sector, the seafood sector - where there is no minimum wage fixed. What will be the compensation? What is the interest? What are the causes? We are going to vote for this compensation which will affect the salary. I don't know exactly how to do this.

Mr Deputy Speaker, Sir, there are thousands and thousands of workers in the IT sector who are not covered by any remuneration. This is very dangerous and I hope that my colleague will take this into consideration. I make an appeal to him.

Mr Deputy Speaker, Sir, Government has been severely criticised by ILO for the way the NPC has been set up and the very light manner in which it is setting the salary increase.

Mr Deputy Speaker, Sir, hon. Dr. Bunwaree, the Minister of Education, made mention of the tripartite meeting and the NPC. I can say that every Minister does his level best for our institutions and give freedom to everybody and there is the good intention behind. How come that all the trade union leaders refused to sign, be it the private sector or the public sector? There might be something wrong! What do we have to do? We have to set up an institution where we can bring all the social partners together. What has been happening? I have been assisting a lot of tripartite meetings since my career as a trade union leader. The tripartite meeting should not stop at compensation. There must be a permanent tripartite meeting. Why not? It is now the right time for the trade union and the employers to sit down and work together. Government gives all the information; the employers bring all the accounts in all transparency. The trade union leaders, who are patriots, have to defend the interests of the members. The members are Mauritians. We are going to live and die here. Our children will have to survive in this country. We must do something to help our country. The loyal Opposition and trade union leaders will perform their duties. According to the ILO, countries that have a strong and efficient social protection system have a valuable inbuilt mechanism to stabilise their economy and address the social impact of the crisis. It is important, Mr Deputy Speaker, Sir, to strengthen the social dialogue and to design the policy that would help us improve our economy rather than having a one sided dialogue with the employers.

Before ending, Sir, I would make an appeal to the Government. We have to rethink and study a mechanism which will bring all people together. I agree with the Minister of Education that it is very tough. I have been a trade union leader as well as a Minister. I dealt with both responsibilities which were not an easy task. We have to know how to deal with people and how to sort out the problem. We cannot avoid it. I make an appeal to my good friend, the hon. Minister of Labour. I know he has very limited staff and it is not easy. He cannot do miracles. How can he? I have been Minister of Labour and I know that he is in the worse situation with regard to the staff. It is very difficult to make an inquiry to know which employer is not paying. I think we have to introduce a system where all employers have to assume their responsibilities. If they don't do so, they will have to be punished for that.

Mr Deputy Speaker, Sir, I have brought my contribution and I make an appeal to the hon. Minister to do something, at least, to help. I don't think the hon. Minister of Finance will do it, but I make an appeal to the Government to do it.

Thank you, Mr Deputy Speaker, Sir.

(5.57 p.m.)

Mr P. Jugnauth (First Member for Quartier Militaire & Moka): Merci, M. le président. J'ai écouté attentivement l'honorable ministre Bunwaree dans sa réplique. A un certain moment, il a dit que si les syndicalistes avaient pris leurs responsabilités peut être qu'on aurait pu avoir un meilleur *deal* aujourd'hui parce qu'ils auraient pu faire part de leurs points de vue et

que - déjà il a mentionné quelques chiffres et je reviendrai là dessus tout à l'heure - peut être on aurait pu grignoter à gauche ou à droite. Donc c'est la raison pour laquelle je souhaiterais, dès le début de mon discours, faire un appel au sens d'humanisme du gouvernement, bien sûr du ministre du travail, mais, en particulier, du ministre des finances afin qu'il puisse bien comprendre le plaidoyer que je compte faire à l'occasion de ces débats en faveur des travailleurs au plus bas de l'échelle salariale.

M. le président, la compensation que l'on apporte aux travailleurs de ce pays n'est pas de l'aumône, ce n'est pas de la charité. C'est un dû pour compenser déjà la perte du pouvoir d'achat qui a déjà été encourue durant l'année financière passée. C'est un droit acquis depuis de nombreuses années et personne – surtout aucun ministre des finances, aucun gouvernement - n'a le droit moral de banaliser ou de minimiser l'importance de cet exercice annuel. Je suis entièrement d'accord avec mon collègue l'honorable Soodhun parce que, au fil des années, cela a toujours été, je ne dirai pas la tradition, mais la responsabilité du ministre des finances de présenter le *Additional Remuneration Bill*. Il a eu raison lorsqu'il l'a dit - parce que j'ai vérifié la première année du mandat de ce gouvernement c'est l'honorable ministre des finances Rama Sithanen qui a présenté le *Additional Remuneration Bill*. Et nous savons tous que c'est le ministre des finances qui est venu avec l'idée de proposer le *National Pay Council*. Je ne vais pas rentrer dans les détails, rouvrir le débat sur le *National Pay Council*. Mais c'est pour se défaire de cette responsabilité et, finalement, nous savons que, depuis quelques années, c'est le ministre du travail qui, donc, présente ce projet de loi.

M. le président, démanteler les tripartites qui s'étaient imposées au fil des années comme un instrument de justice sociale pour mettre sur pied un *National Pay Council*, qui a été contesté et contestable, constitue, à mon avis, une démarche pour le ministre des finances qui fuit devant sa responsabilité envers les travailleurs. Je dis cela, parce que j'ai eu l'occasion, en 2004/2005, en tant que vice-Premier ministre et ministre des finances, de présider les tripartites, en vue de déterminer la compensation salariale. Là où je ne suis pas d'accord avec le ministre Dr. Bunwaree, en tout cas, je peux dire, de par mon expérience, que cela n'a pas été du cinéma. Loin de là ! Il y a eu des négociations, et je ne vais pas rentrer dans les détails. Mais un ministre des finances, bien sûr, agit comme arbitre, mais comme un arbitre qui a de l'influence, un arbitre qui peut peser de tout son poids et qui peut faire accepter, que ce soit au patronat, que ce soit aux syndicalistes, des propositions. M. le président, j'ai constaté qu'il y avait dans ce forum un dialogue franc. On peut ne pas être d'accord. Moi aussi, à l'époque, je n'étais pas d'accord avec un certain nombre de points, un certain nombre d'idées, de propositions qui avaient été évoqués, que ce soit par les syndicalistes, par le patronat, mais c'était un dialogue direct et personnalisé. Et, indirectement, à travers leurs représentants syndicaux, ou à titre personnel, les travailleurs avaient les yeux braqués sur le ministre des finances et, par ricochet, sur le gouvernement. Il y a toujours eu une attente, légitime d'ailleurs, de la part des travailleurs face à ce que le ministre des finances allait décider en leur faveur. Les travailleurs s'attendaient, lors de ces tripartites, à ce que le ministre des finances et les autres ministres qui formaient partie du comité se préoccupent de leur sort, qu'ils soient leurs défenseurs, mais surtout qu'ils soient justes et équitables dans les décisions. Et le *mindset* du ministre, son approche, son attitude, son *human touch* étaient suivis de très, très près et, donc, il y avait quelque chose de personnalisé. J'entends beaucoup parler de *caring Government*. *I think that was the opportunity to demonstrate the virtues, not only of a caring government, but of a caring Minister, and this is crucial to me as a politician, with a mission to care for the welfare of my countrymen before any other consideration.* Depuis la mise sur pied du NPC, non seulement cette approche personnalisée, ce *human touch* a disparu, mais le

fonctionnement de cet organisme a fait l'objet de beaucoup de critiques, dont certaines que je trouve amplement justifiées d'ailleurs.

M. le président, quelle est la logique derrière la création d'un organisme qui, une fois l'an, – parce ce que je suis cela de très près, chaque année - se réunit pour simplement diviser le taux d'inflation par deux et y ajouter l'indice de productivité nationale, afin de déterminer le taux de compensation salariale ? Moi, je dis qu'on aurait pu donner un *extra allowance* à un officier du bureau central des statistiques qui aurait fait le calcul, qui aurait fait la même chose et qui serait venu proposer les mêmes chiffres qu'on est en train de proposer chaque année. J'ai bien précisé, M. le président, tout à l'heure, que la compensation salariale vise avant tout à rétablir le pouvoir d'achat que les travailleurs ont déjà perdu durant l'exercice de l'année financière écoulée. Et cette perte de pouvoir d'achat est reflétée par le taux d'inflation ! Si on est d'accord là-dessus, le ministre peut-il expliquer la logique de diviser le taux d'inflation par deux, afin de calculer la compensation salariale ? On a posé la question et, jusqu'à présent, le ministre n'a même pas pu nous donner une explication - je dirais, même pas logique. Je ne sais pas si c'est un autre exemple de *voodoo accounting*. Mais, j'en passe !

Les travailleurs, M. le président, perçoivent cela comme un vol. On est en train de leur priver de leur dû, et je comprends parfaitement la position des syndicalistes, l'indignation des travailleurs là-dessus, parce que si l'inflation est de X pourcent, la compensation salariale devrait être au moins équivalente au taux d'inflation. C'est un principe de base, M. le président. J'ai pris la peine de vérifier au fil des années, et je dois dire que, de 1984 jusqu'à 2005, durant cette période de 23 années, en deux occasions seulement, la compensation salariale accordée a été équivalente au taux d'inflation. Durant les autres années, la compensation salariale accordée a été supérieure au taux d'inflation. Je dois quand même dire à la Chambre, peut-être faire rappeler...

(Interruptions)

J'arrive à mes deux années, où j'étais ministre des finances. Les travailleurs de ce pays ont obtenu, M. le président, des taux de compensation salariale bien au-dessus du taux d'inflation, et j'espère que les syndicalistes, les travailleurs, la population se rappelleront et sauront apprécier cette considération de ma part, et ce geste, comme je dis, empreint de plein d'humanisme.

M. le président, que voyons-nous depuis 2006 ? Systématiquement, et surtout après la mise sur pied du NPC, les travailleurs ont obtenu des taux de compensation salariale bien en-dessous du taux d'inflation. 8.7% de compensation salariale en 2007 pour un taux d'inflation de 10,7% ; 8.1% en 2008 pour un taux d'inflation de 8,8% ; 5.1% en 2009 pour un taux d'inflation de 7%. Je crois qu'il faut dire certaines vérités aussi. Depuis que je suis dans cette Chambre, j'ai, à chaque fois, écouté attentivement le ministre des finances et, à un certain moment, il était presque d'accord avec la proposition du MEF pour ne pas donner de compensation pour l'année financière écoulée. La MEF avait préconisé un *salary freeze*, et le ministre des finances avait dit que, *in view of the difficult economic situation prevailing in the country, probably we will have to go along those lines*.

Heureusement, qu'au niveau du gouvernement, il y a eu des gens plus objectifs et plus responsables et on est venu aujourd'hui avec une augmentation et une compensation salariale. Je dois attirer aussi l'attention, lorsqu'à la suite d'une réponse à la *PNQ* sur le *salary compensation*, le ministre des finances avait dit, ici même, qu'il y aurait des exceptions. Là aussi, je vois qu'il y a certaines voix qui se sont opposées au niveau du gouvernement parce que, M. le président, on

ne peut pas être *one sided*. C'est ça le problème avec l'actuel ministre des finances. *He is looking – comme mon collègue, l'honorable Soodhun a dit – not with one eye, but he is looking with both eyes in one direction only*. Il faut prendre en compte les travailleurs. Il faut prendre en compte l'équilibre qu'il faut garder. Je dois ici faire ressortir que le taux officiel d'inflation de ces trois dernières années a été compilé, suite à une révision à la baisse du poids de la nourriture dans le panier du CPI.

M. le président, le ministre a confirmé cela, ici même, dans cette auguste Chambre. *The Household Budget Survey* date de 2006/2007, *the total of all divisions when compiling the weightage system for food and non-alcoholic beverages*. C'est incroyable! *When times are difficult in 2001/2002 the weightage was 299. In 2006/2007, the weightage for food and non-alcoholic beverages was 286, Mr Deputy Speaker, Sir*. Et le ministre des finances vient nous dire, ici, que Maurice a atteint un tel niveau de développement que le téléphone est plus important que la nourriture. C'est de la provocation! J'ai dit au ministre des finances d'aller dire cela aux travailleurs et à la population en dehors de cette Chambre, que le téléphone est devenu plus important maintenant que la nourriture. Surtout je prends à témoin le rapport du CSO qui montre qu'il y a un appauvrissement de la population. Si on regarde les quatre dernières années, l'inflation cumulative s'est élevée à 31,6%. Qu'est-ce que les travailleurs ont obtenu? Ils ont obtenu seulement 15% de compensation en moyenne, toutes catégories et toutes échelles salariales confondues. Donc, il n'y a pas eu de rattrapage du pouvoir d'achat. En fait, beaucoup de familles mauriciennes sont financièrement dans la peine. Le nombre de familles qui pouvant épargner une partie de leurs revenus s'amenuisent et cela est amplement démontré par la chute vertigineuse du taux d'épargne nationale à moins de 13% valeur du jour. Je ne vais pas mentionner le niveau de l'endettement dans le pays qui est un autre indicateur de la situation financière que vivent nos compatriotes.

M. le président, je demande donc au gouvernement de reconnaître qu'une bonne frange de la population n'arrive pas à joindre les deux bouts. C'est un fait indéniable et en tant que représentant du peuple dans cette auguste Assemblée nous ne pouvons rester insensibles aux cris de détresse de nos compatriotes au bas de l'échelle et même au sein de la classe moyenne qui, malheureusement, s'effritent dramatiquement.

The Additional Remuneration Bill sur lequel nous nous penchons cet après-midi est une occasion pour que le gouvernement entende les cris de détresse de la population et rectifie le tir sur la compensation salariale 2009. Au nom de la population, au nom de la justice sociale, au nom d'un nécessaire et urgent début de réconciliation entre l'économie et le social, je fais un pressant appel au gouvernement pour sérieusement considérer d'augmenter le taux de compensation salariale 2009 de 5.1% à 7%, soit à l'équivalent du taux d'inflation officielle. Et ce taux de 7% devrait être étendu aux bénéficiaires de la pension de vieillesse et des autres prestations sociales. Ce serait certainement un signal fort aux termes de volonté politique et de sagesse économique.

M. le président, laissez-moi venir sur le seuil applicable pour le paiement du taux maximal de compensation. Je fais un appel là aussi pour que ce soit augmenté de R 3,800 à R 4,700. Pourquoi je mentionne le chiffre de R 4,700? M. le président, en réajustant le *relative poverty line*, qui est le *half medium monthly household income per adult equivalent*, chiffré à R 3,818 en 2006/2007, toujours par le *Household Budget Survey* pour y tenir compte de l'inflation de ces dernières années, il fallait tout au moins penser à ce *relative poverty line*. C'était pour moi la moindre des choses à considérer et d'ailleurs selon mes informations - et peut-être que le

ministre du travail pourra me répondre tout à l'heure - un document proposant à ce que le seuil en question soit augmenté à R 4,500, aurait été circulé dans le cadre des consultations au niveau du NPC en vue de déterminer le taux de compensation pour l'année 2009.

(Interruptions)

C'est ce que j'ai cru comprendre des syndicalistes si cette information m'a été donnée par certains syndicalistes. Si tel était le cas, peut-on savoir qui est celui qui n'a pas voulu considérer cette option et pourquoi aussi ? Comme j'ai dit, M. le président, il m'incombe quand même de rappeler que j'avais déjà augmenté le seuil à R 4,300 en 2005 et le ministre des finances - pour des raisons que lui seul connaît - avait réduit ce seuil à R 2,700 en 2006.

M. le président, c'est incroyable qu'un ministre des finances, à une question que j'ai posée, ait répondu, qu'en 2006, ce n'était pas *his doing* pour réduire ce seuil à R 2,700, c'était *the doing of the NPC*, alors que la NPC n'existait même pas à cette époque. C'est incroyable, mais que voulez-vous, si on peut berner un certain nombre de personnes on ne peut pas berner tout le monde. En 2007, c'est passé à R 3,000, en 2008 à R 3,500 et en 2009 R 3,800. Si le ministre avait suivi la direction que j'avais indiquée, le seuil applicable pour le taux de compensation maximale aurait déjà atteint R 5,500 cette année bien au-dessus du *relative poverty line* réajusté à laquelle j'ai fait référence plus tôt.

M. le président, je suis également d'avis qu'il faut sérieusement considérer de relever le seuil de R 12,000 qui donne droit à une compensation salariale de R 200 cette année. Une petite recherche m'a permis de constater, qu'en relevant le seuil à R 15,000, la compensation salariale toucherait alors 85% des travailleurs du pays. Là aussi, ce serait un autre signal dans la bonne direction, tenant en compte le contexte économique actuel. Comme j'ai mentionné plus tôt, j'ai entendu l'honorable ministre Bunwaree qui - je ne voudrais pas dire qu'il a raison - veut faire croire que les syndicalistes ont tort car ils n'ont pas siégé au NPC. Et j'ai entendu le ministre mentionner: peut-être qu'ils auraient pu avoir R 15,000. Allons dire que les syndicalistes ont fauté, mais il y a la responsabilité du gouvernement. Les syndicalistes ont fauté, c'est leur responsabilité mais où est la responsabilité du gouvernement?

Le gouvernement aurait pu considérer cette recommandation du NPC. Le gouvernement aurait pu dire - comme le ministre Bunwaree a si bien dit tout à l'heure - que le seuil de R 12000 est peut-être relativement bas. On aurait pu augmenter et prendre la décision de faire appliquer la compensation de R 200 au moins à ceux qui touchent jusqu'à R 15000.

M. le président, la population s'attend à ce qu'il y ait du *fairness*, de la justice et de l'équité dans les décisions au niveau de l'État et l'occasion nous est donnée aujourd'hui de faire preuve d'humanisme dans les décisions économiques et sociales surtout après une opportunité ratée au dernier budget. Comme le ministre des finances a l'habitude de dire, *let the Minister of Finance be candid about it*. Le peuple ne comprendra jamais comment un ministre peut être aussi hypersensible aux demandes de certains groupes - comme a mentionné mon collègue, l'honorable Soodhun - dans le secteur privé et tant ignorer l'appel de la population pour un soulagement face à ces multiples difficultés.

Je ne vais pas répéter ce que j'ai déjà dit dans mon intervention sur le dernier budget mais je vais certainement demander aux membres du gouvernement d'avoir un esprit ouvert, d'être à l'écoute de la population et de prendre au moins la peine de considérer les propositions que j'ai faites au nom de la population et dans l'intérêt de la population. Nous avons tous un devoir moral

envers les plus faibles de notre société. On ne peut pas balancer des milliards de roupies *overnight* pour venir à la rescousse des plus fortunés en invoquant la crise financière internationale et, en même temps, refuser une bouffée d'oxygène à nos compatriotes qui en ont le plus besoin. Comme je l'ai dit, au lieu de donner 5.1%, on peut donner 7%. On va me faire croire qu'il y a des entreprises qui vont fermer leurs portes, mais il y a déjà des entreprises qui ferment leurs portes. Ce n'est pas parce qu'on a donné une compensation salariale à ceux qui sont au plus bas de l'échelle!

Je cite encore le ministre des finances qui vient nous dire maintenant que le pire est derrière nous en ce qui concerne les retombées de la crise financière internationale sur notre économie. Alors ne serait-il pas approprié de revoir les priorités par rapport aux fonds par milliards votés dans cette Chambre ? N'est-il pas approprié donc d'allouer plus de ressources financières pour soulager la population puisque le pire est derrière nous? Et le ministre des finances a été en Afrique du Sud pour dire que : *'we are not in danger, the economic situation is, relatively speaking, in good shape.'* Donc, une compensation salariale adéquate et raisonnable à un plus grand nombre de travailleurs serait, dans le contexte actuel, un premier pas vers une redistribution judicieuse des ressources financières disponible pour soulager les plus faibles et répondre aux attentes de la population qui a longtemps consenti à faire des sacrifices.

J'espère, M. le président, comme le ministre Bunwaree, qu'il y aura des oreilles qui vont m'écouter attentivement. Je vais faire un plaidoyer en faveur de mes compatriotes qui vivent difficilement. Nous, de ce côté de la Chambre, nous avons accompli notre devoir en faisant l'écho des préoccupations et des attentes des travailleurs et de la population. Et loin de faire de la démagogie, j'ai fait des propositions réalistes, réalisables et soutenables et j'espère que ces propositions vont être prises en considération.

Merci, M. le président.

(6.24 p.m.)

Mr Chaumière: Mr Deputy Speaker, Sir, I would like, first of all, to thank all the Members of this House who have participated in the debate on the Bill.

Mr Deputy Speaker, Sir, as I have said earlier, Government has approved the recommendations of the NPC regarding the payment of a salary compensation as from 01 July of this year despite the difficult economic situation and needless for me to repeat the problems being encountered by workers in other countries in the context of the economic and financial crisis which has turned out to be a job crisis at the end of the day, Mr Deputy Speaker, Sir, as some Members have elaborated on the fate of workers in the situation of crisis.

Mr Deputy Speaker, Sir, I think that we all agree that the situation is exceptional, that we are encountering a very difficult period. At the level of the ILO itself, Mr Deputy Speaker, Sir, where I was a fortnight ago, the main concern was that we should be able to preserve jobs and, in fact, there were several world leaders who came to Geneva for the International Labour Conference (ILC) and all of them were talking about having a global jobs pack. Why so? Why should they leave countries to come to Geneva to speak the same language and to say that we have to preserve jobs? That is because, at the end of the day, saving jobs, preserving jobs is to preserve the workers themselves and we cannot preserve jobs if we don't preserve enterprises. We cannot say that we are a caring Government if we are not a responsible Government.

Mr Deputy Speaker, Sir, no need to say that, in the past, hon. Jugnauth has said that for the exercise for 1990/1991 the inflation rate was 12.8%, but the compensation was 10.5%. No need to say again in 1981/1982 when the MMM was in the Opposition before 1982 they were saying as trade unionist they would give 30% compensation. Then they came, the inflation rate was 13.4% and the compensation was 8%, Mr Deputy Speaker, Sir. Why was it so?

(Interruptions)

When you have got responsibilities, Mr Deputy Speaker, Sir, when the *manche poêlon est chaud*, and you do what you have to do, and the people understand that this is a caring Government. Mr Deputy Speaker, Sir, the priority in this time of crisis is to safeguard employment and enterprises and there is need to align our wage policy with other measures and actions taken by Government and enterprises to resist the crisis and protect jobs.

Mr Deputy Speaker, Sir, in spite of being a small developing country, tiny Mauritius, small Mauritius has been able to preserve the Welfare State that SSR has brought in this country.

Mr Deputy Speaker, Sir, we have not done away with free education, we have not done away with free health care, we have not done away with our social protection schemes. There are lots of countries which admire us for that. Some people in this country are either not aware of the global financial economic crisis and the job crisis or simply they must be sleepwalking. Mr Deputy Speaker, Sir, concerning the National Pay Council, it operates as an independent body. But, it is known that this year - and I have encouraged our friends, these are our friends, the trade unionists, to go there. This is the proper forum where we have to thrash out such matters not only about wages, about conditions of work, but other things which are of interest to the world of work for every social partner. But, they did not do so. Some people in private - hon. Soodhun would be able to say so - the trade unionists say: "we would have come, but you know we were a little bit scared of some of our friends over there". No need to expatiate longer on that!

Mr Deputy Speaker, Sir, the trade unionists went to the ILO. They challenged the existence of the NPC and the criteria, the terms of reference, of course! What did the ILO say? The ILO was not against the NPC. Who can be in a better position to judge whether the NPC should exist or not than the ILO itself? We went there, we discussed the matters with the ex-directors of the ILO. What they only asked was further discussion in view to improve the functioning of the ILO. My predecessor, the hon. Dr. Bunwaree would be able to say so. I would like to inform the House that I have discussed with the ILO on the setting up of a National Tripartite Forum which is coming this year itself, which will be a very important and permanent platform where Government, employers, employees and trade unionists would be able to sit together. They would be able to discuss on issues which are important for the world of work and matters which affect jobs.

Mr Deputy Speaker, Sir, I would like, when I finish my summing-up, to reiterate my appeal to the enterprises, this is very important for me. Those who have the capacity to pay more should do so. They should do so! Mr Deputy Speaker, Sir, our new Labour Legislation provides for the necessary forum to workers with regard to collective bargaining. I invite the workers' organisations and employers to make use of this provision in the Employment Rights Act to further improve the lot of workers through effective negotiations. You know that any negotiation culminating into a collective agreement will have binding effect on both parties.

Mr Deputy Speaker, Sir, I said - that was my assertion - when I finished my speech, needless to say that had it been possible, we would have done much more. But, we have to agree, we don't want to see a situation, to be witnessing a situation - you know there was no crisis from 2000 to 2005, like the Prime Minister said, the sky was blue - in the same export-oriented sector, in the EPZ where there were from 2002 to 2005, 57,000 jobs loss in this sector. We don't want to see this *spectre* again. That is why, as a responsible Government, we are doing what has to be done and what we want is to preserve jobs.

With this, I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Additional Remuneration Bill (No. XV of 2009) was considered and agreed to.

On resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

Third Reading

On motion made and seconded, the Additional Remuneration Bill (No. XV of 2009) was read the third time and passed.

(18.38)

Second Reading

THE DNA IDENTIFICATION BILL (NO. XII OF 2009)

Order read for resuming adjourned debate on the DNA Identification Bill (No. XII of 2009).

Question again proposed.

Mr S. Mohamed (Third Member for Rivière des Anguilles & Souillac): Mr Deputy Speaker, Sir, let me start by referring to - most of us, I guess, the Members of this honourable Assembly have read at one point in time or, at least, have watched, at one point in time Sherlock Holmes - what he had once said, I quote: "I had come to an entirely erroneous conclusion which shows, my dear Watson, how dangerous it always is to reason from insufficient data". This is what he said on how dangerous it is for us to reason based on insufficient data. I guess a lot of hon. Members need to understand what the situation is in Mauritius in our criminal justice system. In order to understand what the situation is and what really goes on, I guess one must not be surprised that when one looks at the situation in the United States where people are convicted for very serious offences, even when they go on appeal, they are sent to life sentences, sometimes two or three life sentences.

In the United Kingdom some people are convicted for very serious sexual offences, even murder and then when they go on appeal, they are still found to be guilty and their appeal is dismissed.

It happens in other countries whereby, by the use of DNA, a trial can be reopened and a finding of guilt, post conviction is sometimes reversed. As has been said by the hon. Prime Minister and the Leader of the Opposition who have addressed the Assembly on this Bill, there are many cases in which people have been released after a while. But if my memory serves me correctly, Mr Deputy Speaker, Sir, Mauritius cannot be classified as one of those countries where people have been found guilty of one offence, go on appeal and lose their appeal and later on after a case is reopened is found - because of new evidence - to be released. It has never happened. I have consulted all our records, it has never happened in Mauritius, whereby a defendant, an accused party is given an opportunity to go back to the evidence, samples of evidence that were retained for use in his prosecution. Those samples are given to the defence for testing and a case is reopened on the basis of new evidence, new scientific evidence that finally culminates in him being released. That has never happened.

The reason why it has never happened is because if ever we are to try to obtain samples, it is not possible most of the time because at the end of a criminal trial, there is a motion from the prosecution that exhibits can be disposed of. That is a normal course of thing, exhibits are totally disposed of, on the motion from the prosecution or the prosecutor after a criminal trial is over.

Even if those exhibits were available, what do we do if we are to get hold of it? Do we go to Forensic Science Lab, the FSL? The FSL has only one lab in Mauritius that basically carries out work for the prosecution and to make it worse from the point of view of the defence. The FSL, once upon a time, was a department of the Police force and now the Forensic Science Laboratory is a department of the Prime Minister's Office, which is under the aegis, therefore, of the executive. Since, it is under the aegis of the executive, it cannot, in any way, give the public at large, the impression that it is independent. It cannot because the Police, that is, the Commissioner of Police is an institution under our Constitution that our Prime Minister can have contact with him granted that our Prime Minister or any Prime Minister for that matter will not tell him, who to arrest and who not to arrest, but is closely connected to the executive. The fact, that the FSL is so closely connected to the executive, does not give it this element of *crédibilité*, *independence*. It does not.

That is why it is of utmost importance before we are to create this element of *confiance* in the mind of the public, that the FSL should be made to be an independent body. Let alone the need to have other labs, to be competitive not a conflict of interest when we want to have a counter report. That also does not exist, but in the meantime it is of utmost importance that the FSL the Director of the FSL is referred to in this Bill, as the person who will be the custodian of those profiles. How can we believe in the independence and credibility of such an institution if the way it is structured itself, is too close to the executive? That is my point.

We can never, therefore, have the possibility, as the defence, to ask for samples to be tested, to know whether or not they have done their job correctly. We have no way of doing it as things stand in this country. What we are led with therefore, is to hope Mr Deputy Speaker, Sir, that the FSL in their work, will happen to come and tell us that this profile does not match or that you have exculpatory evidence that they have tested the DNA profile from them and this is exculpatory evidence. There are ample decisions around the world that show that prosecutions in many other countries have not communicated exculpatory evidence to the defence. Therefore, why is it that we are to believe that may be the prosecution here would communicate everything or that the FSL would not make a mistake? What I say is that in a democratic society, we have to see to it that DNA evidence is used in order to find a criminal and find the right criminal. But

the DNA must also be used in order to exculpate someone who is not a criminal, but a suspect. As it stands, there is a lack of an institution of an independent nature.

What I would like to get to the second issue that I will like to address Mr Deputy Speaker, Sir, is the worry, the worry of the Leader of the Opposition and of the Members of this House who have addressed this Assembly on this Bill. The Leader of the Opposition basically stated that, for him, it was not right to keep the DNA profiles of those who, later on, are found to be innocent. The hon. Prime Minister supported this Bill by saying that, according to this side, the right balance has been kept. There has been reference made to the case of S.N. Marper versus United Kingdom before the *la cour européenne des droits de l'homme*, the European Code of Human Rights, judgement delivered in Strasbourg on 04 December 2008. I have gone through the judgement and I humbly would like to state that the reasons, in this particular judgement, all those judges decided in the United Kingdom that the fact that they keep the DNA profile on record *ad infinitum* for all those who are even found to be innocent was a breach to article 8 of the Human Rights Convention.

I think it is important here to understand what article 8 says. Article 8 talks about the privacy, the right to enjoy a privacy of life. Basically, it was a breach to article 8 to keep such sensitive records about someone in a database. That is why the Government of the United Kingdom has moved to another situation where they shall keep those, following the judgement of the European Court of Human Rights. They shall keep those profiles on the database for a maximum of 12 years. But there are other countries where the database is kept on record forever. There are other countries such as Denmark, for instance, where they keep the database of every citizen on record. It is an undeniable fact, Mr Deputy Speaker, Sir, that the more in a country, the more that the database has got information on it, the more profiles there are on it, the easier it is to have a more accurate reading. The easier it is for us, as a society, to avoid the possibility of having more of one ethnic group as it was the case in the United Kingdom. One more ethnic group on the database and it is easier therefore to find those guilty of a crime.

I personally do not find any correlation between the Article 8 of the Human Rights Convention referred to the judgement of Marper and our Constitution. I have read our Constitution and I believe that it would be wrong to compare what is provided for under Article 8 and the sections of our Constitution provides for several freedoms, but our Constitution here also, at section 3, when it refers to the fundamental rights and freedoms of the individuals, clearly states that –

“The provisions of this chapter shall have effect for the purpose of affording protection to those rights and freedoms, subject to such limitations of that protection, as are contained in those provisions. Being limitations designed to ensure that the enjoyment of those rights and freedoms by an individual does not prejudice the rights and freedoms of others or the public interest.”

My contention is the following, Mr Deputy Speaker, Sir, and I shall make it clear. I am of the following opinion: there is nothing that would violate any section of our Constitution if this law came to say that every citizen of this country must have a DNA profile in a database. This is what I believe should be done. It is so easy, nowadays, Mr Deputy Speaker, Sir, to come and say: what about human rights? What about the rights of the victim? What about the rights of this victim? Let us think for a minute about the cases that have gone unsolved. Let us think about Nadine Dantier; let us think of Vanessa Lagesse. Let us think how, therefore, must a

Police Officer now, find the DNA profile of someone, to have it tested, and to compare it with the DNA samples that were found on the victim or at the scene of crime. How? Through Police detective work! But, maybe, we will never find that man! Maybe, we will never find that woman, that man or that person who killed those two innocent persons! We will never find them! But, on the other hand, if we had, as in Denmark, every single citizen's DNA profile on record, it would have been so simple, had that person been a Mauritian citizen, to find him. It would have been so simple. Therefore, it is my humble suggestion. Fair enough we have to start with the Bill, whereby we are going to keep things on record for a limited period of time. But, we have to bear in mind the rights of the victim, the family of the deceased, the family of the victims who have suffered crazy acts of violence, sexual assaults, murder, death in the family. How do we help them? Is it not, therefore, imperative, Mr Deputy Speaker, Sir, for us, as citizens of the Republic, to have a duty? A duty towards the Republic to, at least, help our country? What have we done in return for our country? Is it not *un devoir de citoyen de la République*, in order to help, to keep law and order, to control law and order, that we give our DNA profile to be kept in a database? But, it should be from an institution that is independent, and there should be checks and balances. But, as it stands right now, as I said earlier on, there is no such procedure vis-à-vis the FSL. The case is that we should live in a society where we should not think of a presumption of future guilt, as the hon. Leader of the Opposition referred to. There is nothing to do with it. If we have nothing to hide, if we have nothing to feel guilty about, there is nothing wrong in giving our DNA profile. What is important also is that it is not the sample that is kept; it is the DNA profile that is in a coded way, kept in a computer, that is kept in a database. It is only a limited amount of that DNA sample that is used by the FSL, for DNA profile in matters of identifying a criminal; not all other details. Mr Deputy Speaker, Sir, a lot of things have been said by the Opposition and I am sure that, later on, Members of the Opposition will also come and say that it is important, in order to protect the civil liberties of the citizen, not to have this on record. I believe that the other extreme would be good. There is nothing wrong. As it stands right now, in Mauritius, fingerprints are taken from suspects. When those fingerprints are taken, even after the case is dismissed and is found to be not guilty, those fingerprints are still in the database of the Police Force. Therefore, what is such a big deal to have the DNA profile on record? That is why, in my humble opinion, it would be very important to have every single citizen of the country, from the time of birth and for those who are adults, to give their DNA profile to be kept on board.

As it stands right now - in order to support my argument - in the United Kingdom, the law changed. At one point in time, one could not take DNA profile for all offences and, at one point in time, they were even destroying it after a while. In 2001, the law changed. That made it for all cases they were collecting DNA profile and also even after they were found to be not guilty, it was kept on record. It has been established by statistical evidence that when this was done in the United Kingdom, detection of crime increased. It was easier for the Police to find out who were those who were responsible for a crime. There has been the murder of Jill Dando recently in the United Kingdom, and the Police Officer who was responsible for that inquiry said that it was a pity that, at the time the person was arrested, his DNA was not in the database. Had it been the case, they would have had him in custody within five hours. But, *au lieu de cela*, it took the Police more than months, years, in order to find out who was that person who happened to be only a neighbour of Jill Dando. Finally, there is the scientific evidence. The more you have profiles on record, the easier it is to carry out a Police detection.

Let me conclude by saying, Mr Deputy Speaker, Sir, that it is a very important piece of legislation; such an important piece of legislation that helps the Police and helps, in order to detect crime. But it would be unfortunate if we were not to take advantage of such technology. One of my worries is the following. If we are so good in Mauritius with regard to DNA profiling and doing the tests, why is it that, recently, exhibits and samples from the Vanessa Lagesse case have been sent to France? Why is it that we need the help of the French authorities, in order to help us with the Vanessa Lagesse case or the Nadine Dantier case, if we are so good in Mauritius with regard to our technical ability to have DNA profiling? I don't understand that. Not only it is important, therefore, to reinvest massively in new equipment - if that is the case, it's that we have a defect somewhere - but most importantly, it is very important for the FSL to be broken away from the Executive. It cannot be connected to the Police Force; neither can it be connected to the Prime Minister's Office. What I suggest is that it should be a statutory body, whereby the person in charge of the FSL should have security of tenure. It should be a body, whereby the employees of the FSL have to swear an oath of confidentiality for all the documents which they have access to and the information they have access to, which is not the case today. How, therefore, are we going to be able to keep this confidentiality element that is provided for in our statute, the DNA Bill, when the people in charge and the people working at the FSL do not swear an oath of confidentiality, such as for instance the ICAC where there is an oath of confidentiality, where for failure to give confidentiality, they, themselves, can be taken to task, they can be prosecuted? This would be a welcome change in the institution – an institution that should be created; an independent laboratory for fighting crime and to make sure that, for law and order sphere, the criminal is found and there is no place for him to hide.

I hope I have managed to contribute to this Bill, and I do hope that the changes that I have suggested are brought about very swiftly and that we do not go towards the FSL as though it is the only institution we have to believe in, and keep it as it is. We would then be approaching this whole issue with a Nelsonian principle of closing our eyes to the obvious. The obvious is that the FSL cannot continue as it is, if we are to function in a modern democratic society and in the light of this Bill. That would be all.

Thank you.

(7.01 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Mr Deputy Speaker, Sir, I have listened very carefully and attentively to the previous orator. Right from the beginning of the debates on this Bill, we agreed that there was a consensus in the House. We have all agreed with the introduction of this important piece of legislation, but clearly there are also some nuances, some differences, some divergences on some of the provisions of this Bill. I have listened to the last orator, hon. Mohamed. I agree with what he said on some points, especially the last point he made about the independence of the FSL as a body, as an institution. In the course of my short speech, I will explain my disagreement with him, and I will come back to this question of autonomy and independence of the FSL.

Mr Deputy Speaker, Sir, forensic science, including the DNA analysis, as we have heard last time, has emerged as an extremely valuable tool in our criminal justice system. No doubt that the DNA evidence has been an important tool for effective policing; no doubt that this science and technology has offered giant stride advances due to its staggering implications for policing and the detection of serious offences. Indeed, the advances in DNA serology, in the

infrastructure of analysis and retention have brought DNA analysis to one of the most effective methods of crime detection today.

We have travelled a long way; the world has travelled a long way, Mr Deputy Speaker, Sir. More than 20 years now have elapsed since, as we know, the first use of DNA was made by Sir Alec Jeffreys, to whom reference was made last time. In spite of this dramatic impact on the detection and prosecution of crime, this rapidly developing technology has also given rise to many concerns from human rights organisations, from lawyers, from the different cross-sections of the population all over the world. For many reasons, the retention of DNA samples from those acquitted, from those whose cases have been dismissed, for those against whom no charge has been preferred, the question of consent given by victims, the possibility of revealing sensitive, personnel, medical or familial information, etc.

Mr Deputy Speaker, Sir, I just want to look at this whole issue philosophically. When we are debating over the DNA evidence, it is, in fact, the proper balance to be kept between the right of the citizen to his privacy and the need to fight crime; the basic principles of human rights jurisprudence and the question of crime detection, the risk of turning a nation of citizens presumed to be innocent into a nation of suspects. In other words, the issues, since the last 20 years, have been substantial as they have been varied.

The DNA evidence has been very reliable and will continue to be very reliable. We all know that some recent cases have suggested that DNA evidence can be faulted. We have heard many of these glamour cases: the case of O. J. Simpson, and so on. Definitely, DNA will help our legal process, be it criminally or civilly. Yet, the question remains, Mr Deputy Speaker, Sir. The fundamental question is - and this is in answer to what the hon. Member before me said - that the DNA law should fit in a way that is compatible with the basic principles of our legal system. Our criminal justice system is enshrined in a framework of bringing to justice those who can be proved by the prosecution authorities to a requisite standard to be guilty of a criminal offence. Our system is also protected by other factors and principles; the control of the power of the State to intervene in the lives of our citizens, the burden of the State on the prosecution authority to prove its case against accused parties and to do so by adducing evidence to a certain requisite standard. That is our system, and it is apposite. Our system is allergic to the reduction of crime by any means, Mr Deputy Speaker, Sir; for example, by making use of other strategies like Police brutality. We are against Police brutality; we are against telephonic interception; we are against electronic eavesdropping; we are against evidence obtained by foul means, inquisitional procedures, because our system imposes a high premium on individual liberty. That is why, Mr Deputy Speaker, Sir, for centuries, for ages, for decades we have rejected all those other methods. They are repugnant to our system. Our system has rightly imposed juridical restrictions on those methods. Likewise, Mr Deputy Speaker, Sir, any proposal to enhance the power of the State and the officials of the State is circumscribed by careful scrutiny by our courts of law. This is why, as I was just saying, considerations which need to be taken into account in placing effective control over the obtaining of samples on individuals for DNA testing are the following: the fundamental principles of human rights are respected, as they are enshrined in our international instruments to which Mauritius is a party. And one of these basic principles is that a person should not be obliged to incriminate himself or herself in respect of a criminal offence, and the obligation for the respect of individual privacy; another principle, Mr Deputy Speaker, Sir, is the cardinal principle that the presumption of innocence is central to our system, and this principle should not be eroded; then, where an individual objects to the provisions of a body

sample, such objection is decided by reference to a legal criterion or criteria, which take into account the need to establish a strong reason to authorise the State to extract a body sample from a suspect when he is not consenting.

Mr Deputy Speaker, Sir, the introduction of the DNA system, as evidenced also in our courts of law, has not been lenient. We will remember in the first years, the admissibility of DNA evidence was not largely disputed. Then came an age when the technique became so widely used and popular by the prosecutors that defence lawyers started to challenge the admissibility of DNA evidence.

Then, the consensus was reached that this scientific evidence was sufficiently established and had sufficient general acceptance and scientific validity and reliability that it was, therefore, relevant and admissible as scientific knowledge. Mr Deputy Speaker, Sir, when we keep this as our background and we come to our Bill itself and we look at the Bill that has been proposed before this House, I must, at the start, say that I agree with the Bill itself for the principles of the Bill, but there are provisions on which I, personally, have some reservations.

Mr Deputy Speaker, Sir, when we look at our Bill in this House, everything is relative. We can say that this Bill is better than what is obtained in the UK, in Ireland and in Wales. It is better than the DNA Identification Bill of Malaysia. But when we compare it with other Acts, other legislations in the countries, for example, in Switzerland, we can say that we are far behind Switzerland. The Bill in Switzerland is far better, is more democratic than this one. Certainly, Mr Deputy Speaker, Sir, the UK is a 'bad' example; it has tougher provisions. The UK, as we all know, has the largest forensic DNA database in the world; the National DNA Database holds DNA profiles for more than five millions of persons, more than 5% of the UK population and the prediction is, Mr Deputy Speaker, Sir, that database would soon encompass 25% of the male population of the UK. The Police in the UK have powers unrivalled internationally.

My hon. friend was talking of the case of Marper. There have been, as we all know, comments that have been made in this Judgment of Marper, the Judgment of the European Courts of Human Rights which was delivered in December 2008. This is part of the Judgment, I quote –

“The court noted that England, Wales and Northern Island appeared to be the only jurisdictions within the Council of Europe to allow the indefinite retention of fingerprint and DNA material of any person of age suspected of any recordable offence.”

Further down, it is stated –

“The court was struck by the blanket and indiscriminate nature of the power of retention in England and Wales (...).”

This is the situation in the UK but, more interestingly, Mr Deputy Speaker, Sir, the founding father of the DNA, the pioneer, Sir Alec Jeffreys, when this judgment was delivered in December of last year; he made certain comments to the press. He said he was left almost speechless by reports that the Government planned to respond to the recent European Court ruling that storing innocent people's genetic details, broke their right to privacy, that the British Government was simply responding by simply removing their profiles from the database but keeping the original data samples. Mr Deputy Speaker, Sir, this is what he said also –

“I have never seen any argument in favour of England, Wales and Northern Island. Being the only countries in the world to retain the DNA of entirely innocent people, there

are serious issues of discrimination and stigmatisation of branches of society that are over-represented on the database.”

This is the founder of the DNA process, Mr Deputy Speaker, Sir, Sir Alec Jeffreys when he was commenting on the response of the UK Government as a result of this famous judgment which was delivered in December of last year.

Mr Deputy Speaker, Sir, I, therefore, come to the Bill itself. The first point that I wish to make is the independence of the FSL. Hon. Shakeel Mohamed is right. I think one of the first points to be addressed is this question of autonomy, the independence of the FSL. What is spelt out in this Bill is only the definition of the Director. “‘Director’ means the Director of the Forensic Scientific Laboratory”. And we all know the powers wielded by this Director. Nothing is said as to his appointment, nothing is said as to his responsibilities, nothing is said as to whether he should swear an oath of loyalty, of confidentiality and so on. I agree that, in fact, the FSL should be more independent and the Director of this institution should have been seen to be more independent and less than *un fonctionnaire*.

Mr Deputy Speaker, Sir, I come now to section 3 of this Bill. How will this piece of legislation be structured, Mr Deputy Speaker, Sir? What is the architecture of this piece of legislation - sections 3 and 6? Section 3 says that the Superintendent of Police - not below the rank of the Superintendent of Police - can request for the DNA sample when a serious offence has been committed and, once there is refusal, the authority can go to the Judge in Chambers and make a case before the Judge in Chambers as per section 6 of the law, how the application should be made and what should be averred in the application. But, unfortunately, nothing is said in the law, what happens if, in spite of the judge’s order, there is a refusal. If there is a refusal on the part of the suspect or the accused party, even after the Judge in Chambers had granted the application, there is no penalty. I know we can go back to our law, but I think it should have been clearer if things had been made more elaborate and the law should have provided for what happens in spite of the application of the Judge in Chambers, the refusal is maintained by the suspect or by the accused party.

Section 4 requests the convicted person of a serious offence. “The Commissioner of Police may require a convicted person to submit DNA samples for the purposes of the Forensic Analysis and any person who fails to do so shall commit an offence and we know what is the penalty prescribed, it is provided for in another clause of the Bill.

Mr Deputy Speaker, Sir, what is more interesting is section 10(2) of the Bill. Section 10(2) says:

“Where a person –

- (a) A person convicted of an offence following proceedings in which his DNA sample has been adduced in evidence;”

Where a person is convicted, the DNA data may be kept as part of the DNA Data Records. We have no problem about this.

But when it comes to Section 10(3), this is where things are more complex and more difficult to understand.

Section (3) says, I quote –

“where a person is not convicted for an offence does not give his written consent pursuant to subsection (2), the DNA data derived from the forensic analysis of his DNA sample may be kept as part of the DNA Data Records where -

(a) where he has previously been convicted of an offence”.

He may have been previously convicted of an offence and we don't know whether it is 20, 30 or 50 years ago of an offence. 'Offence' is not defined. Is it a contravention, riding a bicycle without light? So, you are not convicted of an offence, you don't give your written consent, but the case is dismissed against you, you do not give your consent, the sample may be kept if you have been 30 years ago convicted of a contravention.

Or if his case has been dismissed against the accused party - I will come to (b) now – the data may be kept as part of the DNA data records where –

“(b) he has since been charged with having committed another offence.”

The first case has been dismissed, the DNA samples were taken from him, but these DNA samples may be kept if one month afterwards he is charged with having committed a contravention, Mr Deputy Speaker, Sir. The definition of offence is not given, this is my point. So, it can be a contravention. Although the case has been dismissed against you, your samples will be kept if after the dismissal of your case you have committed a contravention. You have been charged with parking your vehicle on the left side of the road or on the two yellow lines or whatever it is, Mr Deputy Speaker, Sir. Although, you have been acquitted, your DNA samples may be kept if you are subsequently charged with a contravention. This is what makes us *mal à l'aise*, Mr Deputy Speaker, Sir, and this is why I say I have personally certain reserves on this Bill.

Mr Deputy Speaker, Sir, concerning the fundamental question about the serious offence, I should have commented on this at the beginning of my intervention. In fact, Mr Deputy Speaker, Sir, as we know, serious offence is defined. The request for a DNA sample as per clause 3 of the Bill can only be made when the Superintendent believes that the suspect is connected or associated with a serious offence. Serious offence has been defined in the law, Mr Deputy Speaker, Sir, as an offence punishable by a term of imprisonment or penal servitude, but does not include a contravention or an offence which is punishable by a fine only; or such offence, punishable as specified in paragraph (a), as may be prescribed.

Mr Deputy Speaker, Sir, hon. Mohamed referred to fingerprinting. In the Criminal Procedure Act, fingerprinting can only be obtained from somebody who has committed a crime. I would have thought that the same definition should have been made in the Bill. We should have followed what exists in our Criminal Procedure Act. And instead of 'serious offence', we should have substituted the word 'crime'. And, as we know, crime, misdemeanour and contravention are defined in our Criminal Code. And we know what a crime is; it is elaborately defined in the Criminal Code

Mr Deputy Speaker, Sir, I, therefore, wanted to make those following remarks. But before I sit down, I would just want to make one comment on the procedures for collection. Mr Deputy Speaker, Sir, the most important aspect in this DNA legislation or in any DNA legislation is the procedures for collection because although DNA is admissible evidence, it is also challengeable evidence. I just talked about the O.J Simpson case where, as we remember,

O.J Simpson was, in fact, acquitted, Mr Deputy Speaker, Sir, because of the way the DNA evidence was collected.

The Bill talks about protocols, regulations, guidelines and so on. I think that the Bill should have already elaborated, Mr Deputy Speaker, Sir, on what are these procedures, protocols and guidelines. Just as in the case of the Commissioner of Police, 12 weeks have been given to him to issue the protocols for the scene of crime management, I think, similarly the Bill should have contained in details what are these protocols and regulations, Mr Deputy Speaker, Sir. We would have been in a better position, therefore, to offer our comments on this legislation. I say that because effective procedures must be afforded to guarantee against contamination of DNA samples, for example. We know the planting of evidence is also a big problem for the criminal justice system. Given the likely devastating power of DNA, it becomes doubly important to ensure the integrity of collection of samples and their transmission, storage and preservation for the scrutiny by the experts and also perhaps, if need be, by the courts of law because contamination or fabrication of evidence is part of the problem, Mr Deputy Speaker, Sir. We have also heard of other cases where planting of evidence by criminals in order to implicate other criminals also cannot be ignored.

Mr Deputy Speaker, Sir, what hon. Mohamed said, at one point in time, in his speech was that facilities must also – and this is the point I wish to make – be provided to suspects to permit them to secure independent scrutiny of DNA samples alleged to relate to them and the law should have provided for that also, Mr Deputy Speaker, Sir. The law should have provided for independent review of DNA results which can be requested by the accused. There should be a mechanism for the accused party to challenge or to request an independent review of his or her DNA sample.

Concerning the question of training, criminal justice professionals need to be educated about the values and the limitations of forensic evidence. Police Prosecutors, Defence Counsels, Judges and even Juries, Mr Deputy Speaker, Sir, we all require some degree of training in order to be able to do our job properly because this is a completely new area, a new field and *les professionnels de la justice* should have been exposed to the ins and outs of DNA testing.

Lastly, Mr Deputy Speaker, Sir, we have this post conviction DNA testing. The hon. Leader of the Opposition raised that question. I think it should have been provided in our law, legislation to protect the falsely convicted, Mr Deputy Speaker, Sir. In the United States more than 200 convicts have been proved innocent through post conviction DNA testing. The innocence project was established in 1992 to support the rights of the convicted persons in the US, those who maintained that they are not guilty and this innocence project has been a driving force to support legislation in that direction. In fact, most of the States have legislated for post conviction DNA testing.

In the year 2004, Mr Deputy Speaker, Sir, President Bush signed an Act called the Justice for All Act which enhances funding and guidelines for use of DNA technology in the judicial process. The Act strengthens the rights for accused to obtain post conviction DNA testing if they assert their innocence and the DNA testing would produce new evidence in support of their innocence, Mr Deputy Speaker, Sir. I think here also our law should have elaborated on this post conviction DNA testing.

Mr Deputy Speaker, Sir, DNA evidence, with all its virtues and advantages, in spite of all the giant strides that it has been able to accomplish, can also be limited in one way. It can make

convictions more difficult. I will explain myself. With DNA evidence, defence lawyers now will recognise the futility of their clients, of accused parties denying their presence on crime scenes. The point I wish to make, Mr Deputy Speaker, Sir, is that we all make this mistake. And especially we see movies, minority reports or whatever today where we see how crimes are detected in laboratories and the traditional detective work has taken the back seat.

DNA should be regarded as a tool which complements, but which does not replace the skills of the Police. The analysis and the serology is, of course, bedrock solid, but the accused can still claim that the samples were planted by his enemies or by the Police, that any sexual contact did not constitute a crime because it was done with consent. That the accused can confess he was at the crime scene, but not at the time of the offence, he was there before. The DNA evidence helps to strengthen a case, but it must only be seen as a facet of a wider Police investigation.

DNA science should be taken as a tool which enhances and which cannot replace the skill of traditional crime detective and of the detection process. The science must, therefore, not overshadow the true, the conventional and the traditional detection process. Mr Deputy Speaker, Sir, this is why the necessity for the Police to continue with a more traditional aspect of the investigation process such as establishing motives, establishing the modus, finding and detecting the modus and looking for witnesses must continue. Let us, therefore, remember that DNA, as a scientific advancement, is an additional tool in this Police armoury and is not a replacement one.

To conclude, Mr Deputy Speaker, Sir, we have many reasons to view this old DNA testing, the DNA process. I have given many reasons in the recent past to view with suspicion the DNA process, but also to applaud its benefits. Indeed, there is no reason to reject the advances of this new discovery, but we must proceed with care. We must monitor carefully any new DNA legislation. This type of legislation should be regularly reviewed not only for reasons of implementation, not only for reasons of efficiency, but also for the more sublime reasons of liberty and respecting the fundamental rights of our citizens.

Thank you, Mr Deputy Speaker, Sir.

(7.33 p.m.)

Mr Y. Varma (First Member for Mahebourg & Plaine Magnien): Mr Deputy Speaker, Sir, the DNA Identification Bill is yet another milestone for the Social Alliance Government led by Dr. the hon. Prime Minister.

Mr Deputy Speaker, Sir, we have to see what is the backdrop of the current situation of crime in the country and the number of crimes which have remained unsolved. Previous orators have made mention, Mr Deputy Speaker, Sir, of the murder of Mrs Vanessa Lagesse. There is also the case of Sandooram/Ittoo at Bassin Blanc; we have the case of Nadine Dantier; the disappearance of the minor Ackmez Aumeer; the couple that disappeared at Pomponette; we have the collective suicide which happened at St. Paul and we have the explosion of the Grand' Baie store just to mention a few.

Mr Deputy Speaker, Sir, it is good that there is consensus about the use of DNA. I've heard orators from the Opposition. They have been expressing their reserves on various aspects of this piece of legislation. We have, in fact, to congratulate this Government that has had the

guts, has dared, has acted and has brought this very important piece of legislation in this august Assembly.

Mr Deputy Speaker, Sir, before I elaborate on the Bill, I will seize the opportunity to refute a few points raised by the previous orator. The previous orator and other Members of the Opposition have mentioned - and my good friend, hon. Shakeel Mohamed also made mention - the fact that the FSL should be an independent body. The journey of a thousand miles should start by a single step!

Let us start, Mr Deputy Speaker, Sir, with the introduction and the use of the DNA in Police investigation. Then, we can come with amendments definitely and give the FSL the independence that it should have, if the need arises. But it is worth mentioning, Mr Deputy Speaker, Sir, that some time back two gentlemen namely Mr Malcolm Boots and Mr Barry Robert Burton from the Forensic Science Service Limited based in UK visited Mauritius and they had good words to say about the FSL. I will quote from the report, Mr Deputy Speaker, Sir, they said -

“There is the basis of a very good laboratory, the staff are dedicated and enthusiastic in their desire to improve the service they deliver.”

Secondly, they stated, Mr Deputy Speaker, Sir -

“The laboratory is not being given the best chance to help the Police in their investigations.”

They said -

“The quality of the equipment used in the laboratory is mainly good. There is need for closer cooperation between scientists and lawyers.”

And lastly -

“Mauritius now has a workable system for DNA profiling.”

As I said, Mr Deputy Speaker, Sir, let us give this new weapon, this new instrument a chance and then we will see whether in the future, there is any need for it to be a separate entity from the Prime Minister's Office.

Mr Deputy Speaker, Sir, mention has been made time and time again; I have read in the press, I have heard it in the House about human rights issues. We have to strike a balance; we have to know what exactly we want, whether we are here to protect our people, the population at large, or we are here only to divert the attention on human rights issues. It is so simple that when an issue comes up, there is campaign against it because of human rights implications. It is a debate, Mr Deputy Speaker, Sir. We have to balance the rights of individuals at large and the rights of suspects.

We have to be a Government of law and order. We have to give law and order top priority. And how to do that! We should have an efficient Police Force. We should give the Police Force all the tools and all the instruments that are necessary to be able to conduct fair inquiries. What happens nowadays? A suspect is arrested; he is taken to the Police, he is promised that he will be released on bail; the person confesses, he goes to court and pleads guilty. This happens mostly every day. The system now is a confession-based system. How many cases come to court, Mr Deputy Speaker, Sir? How Police inquiries are conducted? How

many statements are taken from suspects wherein they have confessed?

We were in Rodrigues a few days back. I had a chat with someone there, he told me in Rodrigues everyone confesses. They come to court, they have a fine and they go back home. Can we continue with this system of functioning in the Police Force, Mr Deputy Speaker, Sir? I beg to differ.

Mr Deputy Speaker, Sir, the DNA Identification Bill will be an instrument which will help the Police in the conduct of their inquiries efficiently.

Furthermore, Mr Deputy Speaker, Sir, I have raised the issue on a number of occasions, we should have a proper legislation like we have the Police and Criminal Evidence Act in the United Kingdom, we should have a similar piece of legislation in this country as well.

We are relying on the Judges Rules which have been in existence since the 1800s. We are relying on those rules and we are basing ourselves on confession-based inquiries. Mr Deputy Speaker, Sir, under the leadership and guidance of Dr. the hon. Prime Minister, there have been many advances in the way the Police has been conducting inquiries. There has been the setting up of the Scene of Crime Office, the fingerprinting database, the BSc in Police studies which was introduced. Most recently, the CCTV has been introduced in Flic-en-Flac and will be extended to Grand' Baie and Port Louis.

Mr Deputy Speaker, Sir, the use of the DNA has been internationally recognised. The Interpol recognises the value of the DNA profiling and is supporting this new investigating tool. Following the acceptance of the Resolution No.8 of this 67th General Assembly in Cairo 1988, to advance International Corporation of the use of DNA in criminal investigations, the Interpol DNA unit has been established. The objective is to provide strategic and technical support to enhance Member States DNA profiling capacity and promote widespread use in the international law enforcement environment.

Mr Deputy Speaker, Sir, the use of DNA in a number of cases has proved beneficial. Doing my research, some interesting uses of DNA which are worth mentioning are: identifying the September 11 victims, the SOAH project which is a genetic database of people who lost their families during the Holocaust, the disappeared children in Argentina, the tombs of the unknowns, son of Louis XVI and Marie Antoinette, just to name a few. The benefits associated with the use of DNA have been well established in other countries.

I will beg to differ from the previous orator when he stated that in the UK, it is a very bad example of how they have been able to build their database. Mr Deputy Speaker, Sir, this instrument will not be of any use if we do not have a database. The larger the database, the more efficient it will be. What is the purpose of this DNA Identification Bill? It is that the Police Officer or the Scientific Officer goes on the scene of the crime, he collects the DNA and he is able to match that with the DNA of someone who can be the suspect or is not the suspect. Then he will direct his inquiry in that direction. I don't find any problem, Mr Deputy Speaker, Sir, and I concur with my good friend hon. Shakeel Mohamed that there is no problem that people at large, if not compulsorily, but volunteer themselves to give their DNA. If they want the situation of law and order to improve, if they want unsolved crimes to be elucidated, they should volunteer themselves to give their samples for the DNA database to be enlarged.

Mr Deputy Speaker, Sir, there is the issue of admissibility of DNA evidence in our Courts. This is an issue which we have to address whether there will need to be any amendment

to our existing legislation to be able to introduce the use of DNA as evidence in court. Well, I do hope that this is catered for and that consequential amendments are brought in relation thereto. Mr Deputy Speaker, Sir, I have been able to go through the Canadian legislation and I do hope that when the DNA database is set up, they will separate the scene of crime and the convicted persons, that is, they will have the Scene Crime Index and the Convicted Offenders Index. There is no harm to keep the database permanently. As far as the Crime Scene Index is concerned, that is, when the Police or the Forensic Officer goes to the site of the crime, he collects the DNA and he keeps it indefinitely. There is no harm in that. There is nothing in the Bill as well which will prohibit the Police, if there is a suspect, to go through the garbage of that person in question and collect the DNA database and keep it. There is nothing in this Bill that prevents the Police from doing that, Mr Deputy Speaker, Sir.

Concerning the point raised by the hon. Leader of the Opposition that there is nothing in this Bill that - to quote his own words - "the Bill is lopsided, is very strong on combating crime, but is very weak on using DNA to free innocent people", Mr Deputy Speaker, Sir, the very object of the Bill is to find who is behind the crime. When the DNA will match, it will be obvious that the person will be disculpated or he will be linked to the crime. This is quite normal. As far as the request being made that this should have been in the Bill that the use of DNA to disculpate or when the person is convicted that the use of DNA can be used to disculpate him at a later stage. This has been the case before our courts of law. There can be a motion for the re-opening of the case. It has been the case for the *L'Amicale* Case, there was the re-opening of the case. There was the case of Boucherville where the cases have been reopened. I don't find any reason why this cannot be done in this case.

Mr Deputy Speaker, Sir, I have been requested to cut short my intervention because there are other orators. I think I have contributed to the debate on this very important piece of legislation. That is all I have to say.

Thank you, Sir.

(18.52)

Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill): Mr Deputy Speaker, Sir, it is a great honour for me to address the National Assembly on the DNA Identification Bill. Indeed it is a very important piece of legislation which raises fundamental issues. The issues which are raised are not only fundamental, but they are also very complex. We are all here today, Government and Opposition, to provide our country with the best legislative framework when it comes to the DNA tests. DNA, as has been rightly said by Members on both sides of the House, is not only used in detecting serious offences and preventing re-offending, but it also helps, at the same time, in eliminating the innocent from inquiries and jail, thereby securing justice.

I will come in a few minutes on the last point because I think that it has not been properly canvassed. I am sure that everybody in the House welcomes the Bill.

The need for DNA legislation is not disputed, Mr Deputy Speaker, Sir. In fact, what is disputed is certain clauses of the Bill. My first concern is the Forensic Science Laboratory. According to information which I have gathered, it seems that a lot of difficulties are being encountered by the officers at the Forensic Science Laboratory, to conduct simple tests like diatom test, which is usually carried out in case of drowning, or the facial reconstruction test,

which is usually carried out for the purpose of identity of a person, or the skeleton examination test. So, these are tests which are classified as simple tests and, yet, cannot be conducted in Mauritius. So, why is it that we cannot conduct those tests in Mauritius, and have to turn to other countries?

Today, we are talking of more complicated and sophisticated DNA test, Mr Deputy Speaker, Sir. All is not as simple as it seems to be. The other day, I heard the hon. Prime Minister saying that new equipment are there, and that the officers have been trained. I have no doubt to question the saying of the hon. Prime Minister but, nevertheless, allow me, Mr Deputy Speaker, Sir, to put some salient questions. Do the officers of the Forensic Science Laboratory hold the necessary qualification, knowledge and skills required to deal with the DNA samples? I am only asking the question, although I confess I do not know the answer. This is one of my main worries. Are the officers of the Forensic Science Laboratory proper forensic scientists, or are they degree holders in biology and chemistry who have or will receive some training to perform the duties required from them, once the Bill is passed? If this is the case, Mr Deputy Speaker, Sir, then it is very serious, because DNA test is very sensitive. Let us hope that we have officers with the required qualifications, or else it will be as if you are asking a Charge Nurse to perform the duty of a doctor. Will the Forensic Science Laboratory be accredited for DNA test, or will the result coming from the lab be subject to criticism by expert witness in court, who may try to diminish their probative value? In a word, Mr Deputy Speaker, Sir, the type of DNA test we want will depend to a large extent on the capabilities of our lab and the skill and knowledge of our officers.

Mr Deputy Speaker, Sir, let me now come to clauses 9 to 12 of the Bill. Clauses 9 to 12 also give rise to concern, because it may lead to a compilation of data concerning the citizens, when such information may not, in the name of freedom of a citizen, have its *raison d'être*. So, we need to be cautious; we need to be careful because above all, the Bill has, indeed, couch for a serious intrusion in the private life of a citizen. If we do not have the effective checks and balances, proper *garde-fous* against investigators of bad faith, certain provisions of the Bill may seriously affect the liberty of an individual. Clause 9(1) refers to storage and preservation of DNA sample in accordance with procedures and guidelines, as may be laid down by the Forensic Science Laboratory. I draw the attention of the House that it is not in accordance with the regulations, which will be laid down by the hon. Prime Minister and, therefore, subject to the sanction of Parliament, but it will be left to the procedures and guidelines of the Forensic Science Laboratory. Though it seems that the Bill is for the purpose of elucidating serious crime, yet we find that clause 9(3) provides storage for statistical and research purposes. Do we, at this stage, when we are presenting the Bill for the first time, need to come with clauses for statistical and research purposes? If we want, at a different level, to have a DNA database, irrespective of the provisions of the Bill, other means which appeal to the voluntary contribution of citizens willing to provide their samples could be investigated.

Clause 9, Mr Deputy Speaker, Sir, opens the door for collection of sample in an abusive way for compilation of DNA database and not within the spirit of the Bill, but for the sake of statistics and research. Coming to the storage of data records and samples, Mr Deputy Speaker, Sir, this is another cause of great concern. We all know that, in Mauritius, what is expected to be secured and confidential is anything. but confidential. The more so that, for persons not convicted and, therefore, innocent, the sample may be kept for ten years, unless a citizen knows the law and asks for his record to be erased, in which case ten years is reduced to two years. So,

proper safeguards have, therefore, to be inserted in the Bill. True it is that clause 11 provides for a citizen to have recourse to the Supreme court for an order for the destruction of this sample or the erasure of his profile or record. But, then, Mr Deputy Speaker, Sir, the onus will be on the citizen to convince the court that the sample is being illegally used or for the purpose not authorised under the present Bill.

So, are we here not encouraging research behind the back of a citizen? Here, Mr Deputy Speaker, Sir, one question comes to my mind. Should not all the officers working under the Forensic Science Laboratory be subjected to an oath or a solemn affirmation in the performance of their duties, so as to ensure a further safeguard as regards the protection of information? Because here, we are talking of social and ethnical issues. These issues need rethink, Mr Deputy Speaker, Sir. Let us not forget that the compilation of data in the end will lead to the construction of a data bank. Like any bank, the data needs to be properly stored in a secured manner. Are we not in a position where too much power is being laid on the shoulders of the Director of the Forensic Science Laboratory? The Director, once appointed, may be a person of integrity, but the risk of information being hijacked is real, and some form of protection must be given to that person. For example, the Director should be in a position to have access to the information under his custody only in the presence of some other officers, without whom he will not be able, even under threat, to grant access. After all, we cannot open a bank vault without two or three keys in the custody of two or three different persons. Some device may well be necessary for the protection of DNA sample or DNA records. The type of test we want to conduct will depend to a large extent on the capabilities of the lab. Furthermore, sometimes test results are inconclusive, and testing may not be feasible if the DNA evidence has been degraded, contaminated or not stored properly. So, we have to be cautious when keeping the DNA test.

The hon. Prime Minister, in his speech, rightly pointed out that the issue of exonerating the innocent has been dealt with in the Bill. This is absolutely correct. At whatever stage of inquiry, it is obvious that the DNA test will inevitably exonerate the innocent and is likely to track the suspect, who may eventually be found guilty.

However, I hasten to say that there is a lacuna in the Bill, in respect of those serving sentence who may wish to exonerate themselves, as some of them may always claim their innocence. This is why we are saying that post conviction DNA testing is missing in the Bill.

Before concluding, Mr Deputy Speaker, Sir, let me say a few words as regards Clause 5 *en matière de filiation*. This particular Clause makes mention of only two Articles of the *Code Civil Mauricien*, that is, Article 340 or 341 which relates to *enfant naturel*. The Bill is silent with regard to legitimate children. What about *la réclamation d'état d'un enfant légitime ou incestueux* or *la contestation d'état d'un enfant naturel légitime ou incestueux*? It seems that filiation, as a whole, has not been dealt with in the Bill. Maybe, the hon. Prime Minister or the Attorney-General could enlighten us at a later stage.

To conclude, Mr Deputy Speaker, Sir, I do hope that the hon. Prime Minister will take into consideration all the suggestions and constructive criticisms which have been made by Members from both sides of the House so that, at the end of the day, we have the best legislative framework.

Thank you.

The Minister of Local Government, Rodrigues & Outer Islands (Dr. J. B. David): Sir, I beg to move that the debate be now adjourned.

Dr. Bunwaree rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 14 July 2009 at 11.30 a.m.

Dr. Boolell rose and seconded.

The Deputy Speaker: The House stands adjourned.

MATTERS RAISED ON ADJOURNMENT

(8.02 p.m.)

INDIAN RESORT HOTEL, POINTE SUD-OUEST, LE MORNE – TAXI DRIVERS

Mr A. Ganoo (First Member for Savanne & Black River): Mr Deputy Speaker, Sir, I address my intervention to the attention of the hon. Minister of Education, Culture & Human Resources because this is a matter which concerns Culture.

I am the mouthpiece of 26 taxi drivers who are operating in front of the Indian Resort Hotel, at Pointe Sud-Ouest, Le Morne. These 26 drivers are regrouped in the Indian Resort Taxi Drivers Association. They have set up a kiosk where they can shelter themselves when they are waiting for clients to come during their spare time. This kiosk has been set up on a plot of land opposite the entrance of the hotel and, at one time, the Beach Authority has requested these taxi-drivers to move away so as to dismantle this kiosk. These taxi drivers have apprised the Beach Authority of the situation and they have appealed to the Beach Authority to understand their situation, that they have constructed this kiosk as a shelter when the weather is not so good and it rains. As I said, this kiosk was being utilised by them just to protect themselves from bad weather. This is the situation for these 26 drivers. In fact, this kiosk is opposite the taxi-stand at Le Morne Pointe Sud-Ouest public beach.

Mr Deputy Speaker, Sir, I must confess the Beach Authority has been very understanding. I have a letter with me dated 16 June 2009, where the Beach Authority says, I quote –

“In view of the above, the Authority does not raise any objection for the erection of this kiosk since it is not causing any inconvenience to the beach users. However, you are hereby informed to approach Le Morne Heritage Trust Fund for appropriate clearance and approval as the structure is found in a buffer zone.

Your attention is also drawn that the kiosk should be purely on a temporary basis and in case the Authority is envisaging to implement any project or development on this beach, you will be requested to shift to an alternate place.”

So, the Beach Authority has understood the plight of these 26 taxi drivers, Mr Deputy Speaker, Sir and has been very kind and sympathetic to the request of these 26 taxi drivers who are earning their living honestly. It is only because of the weather that they have to shelter themselves under this kiosk which they have built with the help of the hotel. Mr Deputy Speaker, Sir, they have also written to Miss Stephanie Anquetil, the Chairperson of Le Morne Heritage Trust Fund. They have brought this situation to her attention, that this kiosk is being used for the purpose of sheltering themselves from strong sun and rain and also for the purpose of having their lunch.

Mr Deputy Speaker, Sir, we will be grateful, if permission could be granted to use the same kiosk for the time being till any other projects be set up at the existing site by competent bodies. A letter to that effect has been addressed to the Chairperson of Le Morne Heritage Trust Fund on 28 January 2009. I am urging the hon. Minister responsible for Culture to see to it if he could intervene and accede to the request of these taxi drivers, who, as we all know are already facing other problems these days and this ban on them will worsen their difficulties and will cause undue stress to them.

Mr Deputy Speaker, Sir, I am appealing to the hon. Minister if he can prevail over the Chairperson of the Le Morne Heritage Trust Fund to allow these 26 taxi drivers who are operating in front of the Indian Resort Taxi Drivers Association to allow them to leave this kiosk as it is, so that they can use it, as I said earlier on, Mr Deputy Speaker, Sir, to shelter themselves more particularly in case of bad weather. I make an appeal, therefore, to the hon. Minister to be sympathetic to the request of these 26 taxi drivers who are operating, as I said, in front of the Indian Resort Hotel.

Thank you Mr Deputy Speaker, Sir.

(8.07 p.m.)

The Minister of Education, Culture & Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, I have listened with much attention to what has been said by the hon. Member of the Opposition, hon. A. Ganoo. In fact, being sympathetic is, of course, one good thing, but we have also to be alert to the conditions which are set by UNESCO because, as we know, this land is very special. In fact, we had the opportunity this morning of talking about the buffer zone in Port Louis. There also is a buffer zone. This matter, in fact, has been brought to my attention a few months ago. This construction has been there since the month of January this year. The matter has been raised. In fact, it has been brought to my knowledge by hon. Dr. Babajee in the first instance, I must say, he was asking me to be sympathetic. Then, hon. Mrs Hanoomanjee came to me for the same problem. In fact, she also asked me to be sympathetic and now, hon. A. Ganoo is asking me to be sympathetic. I must say Mr Deputy Speaker, Sir, that we have to look at the facts and then we have to take a decision which would be in the best interest of one and all.

I must inform the House that Le Morne Heritage Trust Fund Act 2004 provides for the Trust Fund to manage, regulate and administer all developments, works and activities within the Le Morne Cultural Landscape which is now a World Heritage Site as we all know, and we are

proud of it. Specific regulations have been promulgated in September 2007 under the Planning and Development Act for the control of development within the landscape, but we call the Planning Policy Guidance to Le Morne Cultural Landscape. This document provides specific guidelines that ensure the protection of the landscapes' integrity and authenticity.

Mr Deputy Speaker, Sir, the Indian Resort Taxi Drivers Association has erected a wooden kiosk with corrugated iron roof and with concrete platform at Le Morne Pointe Sud-Ouest public beach without any consultation and prior approval from Le Morne Heritage Trust Fund and the National Heritage Fund. This structure falls within the buffer zone of the landscape. I am informed by Le Morne Heritage Trust Fund that they have not received any request from the Indian Resort Taxi Drivers Association operating at the Indian Resort hotel for that kiosk which is on a public beach. In fact, there is a letter which the hon. Member has mentioned from the Beach Authority. It says that, *à priori*, there is no objection, but as the hon. Member mentioned it himself, it is stated in the letter that clearances have to be obtained from Le Morne Heritage Trust Fund for the approval of any structure which is found on the buffer zone. But that Trust Fund has not given any clearance or approval. This is where matters stand. I must say that, given that Le Morne Heritage Trust Fund has the obligation to manage the Le Morne cultural landscape, the Indian Resort Taxi Drivers Association was requested by the Beach Authority, therefore, to approach the Le Morne Trust Fund and ask for appropriate clearances which, as I have said, have not been obtained. A request has been made to the Ministry of Local Government by the Beach Authority. After looking into the matter, it has asked for the structure to be removed on the beach as it will hinder the development of the buffer zone. They respect structures that have to be respected on that zone. Every year we have to reply to UNESCO. They look at what is happening. I must say that in certain countries, structures - for example, a bridge in Germany - have had to be dismantled. This is the situation. I would wish to be sympathetic, but how are we going to reply to UNESCO? What explanation will we give?

Mr Deputy Speaker, Sir, this is where I will ask the three hon. Members to work, at least, once together and try to convince that hotel. It is the duty of the hotel to find a shelter for the taxis which are supposed to be attached to it. The hon. Member certainly knows that the hotel is being difficult and, in fact, this is what had caused the problem. The request has been made and action has also been initiated for the hotel to provide shelters for the taxi drivers. We are trying to make the hotel understand and if we find a solution, we will be able to settle the whole problem to the satisfaction of one and all. The hotel will have to agree. In my constituency, there are hotels and taxis attached to them. They have shelters for their taxi stand. We have to work in that direction. The matter is not closed, that shelter will have to be removed, unfortunately. I am sorry for that but, at the same time, we will try to find another solution for these taxis drivers.

Thank you, Mr Deputy Speaker, Sir.

At 8.14 p.m., the Assembly was, on its rising, adjourned to Tuesday 14 July 2009 at 11.30 a. m

WRITTEN ANSWERS TO QUESTIONS

EXPATRIATES – WORK PERMIT HOLDERS – MARRIAGE

(No. B/726) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the expatriates, holders of a work permit, who have contracted marriage in Mauritius over the past five years, he will, for the benefit of the House, obtain from the Central Civil Status Office, information as to the number thereof.

Reply: I am informed by the Registrar of Civil Status that 353 expatriates, holders of a work permit, have contracted marriage in Mauritius over the last five years.

JUGE D'APPLICATION DES PEINES SYSTEM

(No. B/728) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the prisoners, he will state if consideration will be given for the setting up of a system of *Juge d'application des peines* to monitor their conduct and to decide on whether to review their term of imprisonment or to release them on account of good behaviour.

Reply: The system of the "*Juge d'application des peines*" is not known to our law and common law jurisdictions in general. As such, the "*Juge d'application des peines*" has a special jurisdiction of the "*Tribunal de Grande Instance*" to follow the conduct of convicted persons on and off the prison premises.

The monitoring of the conduct of prisoners in Mauritius is done by the Commissioner of Prisons under Part V of the Reform Institutions Act, which deals with leave of absence, remission, parole and discharge.

Additionally, one of the roles of the PRISON BOARD OF VISITORS is to look into complaints by prisoners or alleged abuse of authority by the prison authorities, and the PRISON BOARD OF VISITORS also has a say in the restoration or not of remission.

Another mechanism for early release of a prisoner is the release on parole. It is the PAROLE BOARD that makes recommendations to the Minister. It is important to point out that the Commissioner of Prisons does not have any discretion to release on parole. To be eligible to be released on parole, a convicted detainee must have served not less than one half of his sentence or, at least, sixteen months whichever expires the later.

ELECTION – ELECTORAL LAWS & REGULATIONS

(No. B/730) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the electoral laws and regulations, he will state if he will consider bringing amendments thereto, in view of the forthcoming general election, to introduce and implement –

- (a) a code of conduct to govern the political parties and the candidates, and
- (b) the Electronic Voting System.

(Withdrawn)

POLICE FORCE – COMPETITIVE EXAMINATION - BSc IN POLICE STUDIES HOLDERS

(No. B/731) Mr J. R. Speville (Second Member for Rodrigues) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the recent examinations in the Police Force for promotion to the posts of Sergeant, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of –

- (a) candidates holding a Bsc in Police Studies who sat therefor, and
- (b) Police Officers and Corporals posted in Mauritius and in Rodrigues who are being assigned higher duties who sat therefor.

Reply: I am informed by the Commissioner of Police that 84 candidates holding a BSc in Police Studies sat for the recent competitive examination for promotion to the rank of Sergeant.

SHOPS – OPENING HOURS

(No. B/732) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence & Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases of shop owners who have operated outside the authorised hours, over the past two years.

Reply: The opening hours of shops, other than shops licensed to sell liquor, rum, local rum and compounded spirits by retail for consumption on and off the premises is governed by the SHOPS (HOURS OF OPENING) REGULATIONS 1994.

With regard to premises licensed for the sale and/or consumption of liquor, rum, local rum or compounded spirits, their opening hours are governed under Regulation 28 of the Excise Act.

The opening hours for such premises as set out in the First schedule are as follows -

- (i) Sale of liquor and alcoholic products by wholesale -
 - *Mondays to Saturdays from 08h00 to 17h00*
- (ii) Sale of liquor and alcoholic products by retail for consumption off the premises:-
 - *Mondays to Fridays (other than Public Holidays) from 08h00 to 21h00*
 - *Saturdays (other than Public Holidays) from 08h00 – 22h00*
 - *Public Holidays from 08h00 to 18h00*
- (iii) Retailer of liquor and other alcoholic beverages for consumption on or off the premises other than a Hotel, Restaurant and Boarding House:-
 - *Mondays to Saturdays (other than Public Holidays) from 16h00 to 19h00*
 - *Sundays and Public Holidays from 10h00 to noon*

- (iv) Restaurant, Hotel and Boarding House – Retailer of liquor and alcoholic products -
- *Everyday from 08h00 to midnight*
- (v) Night Club – Retail of liquor:-
- *Mondays to Saturdays (other than Public Holidays) from midnight to 02h00; and from 21h00 to midnight, and*
 - *Public Holidays from midnight to 03h00; and from 21h00 to midnight.*

I am informed by the Commissioner of Police that the number of reported cases of these categories of shop owners who have operated outside the authorised hours is as follows -

- 2007 : 267 cases;
- 2008 : 206 cases; and
- Jan to 02 July 2009 : 105 cases.

DRUGS – SEIZURE - AUGUST 2008 TO JUNE 2009

(No. B/733) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the amount thereof seized, since August 2008 to date, indicating –

- (a) the category
- (b) the name
- (c) the value, and
- (d) if they have been disposed of.

Reply: With regard to parts (a), (b), and (c) of the question, I am informed by the Commissioner of Police that details of drugs seized from August 2008 to May 2009 are as follows -

NAME OF DRUG	LISTED ACCORDING TO THE DANGEROUS DRUGS ACT	AMOUNT SEIZED	APPROXIMATE STREET VALUE (RS)
Heroin	Schedule I	7,126.13 gram	106,891,950

Hashish	Schedule I	5.05 gram	12,625
Cannabis	Schedule I	56,398.84 gram	121,259,478
Gandia plants uprooted		31,960 plants	
Buprenorphine (Subutex)	Schedule II	968 pills	968,000
Sedatives/ Tranquilizers	Schedule II	1,619 pills	80,950

As regards part (d), all drugs which are produced in Court as exhibits are forfeited and disposed of by the Court.

In this connection, I am informed by the Commissioner of Police that from August 2008 to June 2009, the number of exhibits in drug cases that has been disposed of is as follows -

August 2008	-	December 2008	:	310
January 2009	-	June 2009	:	1,142

FOREIGNERS – RESIDENCE PERMIT

(No. B/734) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether, he will, for the benefit of the House, obtain from the Passport and Immigration Office, information as to if there are foreigners –

- (a) presently residing in Mauritius without a valid permit and if so, the number thereof, and
- (b) having been reported not to hold a valid permit, but who are in active employment.

Reply: According to the Passport and Immigration Office there are presently 805 foreigners whose residence permits have expired and are still in Mauritius. Twenty-one out of them are foreign workers who have left their place of work and are reported missing. They are being looked for by the Passport and Immigration Office. The remaining are foreign workers whose work permits have expired and are either awaiting renewal of their work permits or awaiting travel arrangements to return to their country of origin.

I would like to bring out that the Tracking Team of the Passport and Immigration Office, which was set up in 2006, carries out regular checks to trace out foreigners staying or working illegally in Mauritius. Since 2006 to date, 585 foreigners staying or working illegally were arrested and repatriated to their country of origin.

Furthermore, with a view to deterring illegal stay or work of foreigners a Police Communiqué was issued on 03 April 2009, drawing attention of the public as well as foreign nationals to the legal provisions against harbouring or employing persons staying illegally in Mauritius, as well as against any illegal stay or work in Mauritius.

With regard to part (b) of the question, I am informed by the Passport and Immigration Office that it is in the presence of cases of 157 foreigners whose residence permits have expired, but in respect of whom application fees for renewal of work permits have been paid to the Ministry of Labour, Industrial Relations & Employment. These workers are still in active employment pending the issue of work and residence permits.

COMMISSIONER OF POLICE – ALLEGED RETIREMENT

(No. B/735) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Commissioner of Police, he will state if the incumbent has signified his intention to retire from the service.

Reply: I wish to thank the hon. Member for asking this question as it gives me an opportunity to dispel any doubts that may have been created by an article which appeared in a weekly recently.

Let me make it crystal clear that the Commissioner of Police has never signified his intention to retire from the service. This information about his alleged retirement forms part of a deliberate attempt to undermine the good work of the Commissioner of Police and the Police Force. This information about the alleged retirement of the Commissioner of Police gave rise to unnecessary negative speculations.

I would like to reiterate my appreciation of the good work being undertaken by the Commissioner of Police and his team. We are now seeing results of our ongoing reform programme of the Police Force and witnessing a rise in the detection rate and a decrease in the crime rate in Mauritius. For example, last Sunday, the Police was able to resolve on the same day within hours a case of larceny with violence at Pallagames, Trianon, where a total value amounting to 920,000 rupees was stolen. Five suspects were arrested in connection with the case. 907,000 rupees have been recovered from the suspects.

Furthermore, with the introduction of the CCTV Surveillance System at Flic en Flac in April this year, we have noted with satisfaction a reduction of 70% in the crime rate in the region as compared to the corresponding period last year.

This is a clear testimony of the efficiency and effectiveness of the Police under the present Commissioner of Police. We are committed to provide the Police Force with the necessary support to enable them to discharge their roles and responsibilities effectively.

BUS STOPS & TERMINALS - POLICE PATROLS

(No. B/736) Mr M. Allet (Second Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether he will state if he will consider the advisability of requesting the Commissioner of Police to arrange for additional Police patrols at the bus squares at the close of schools and colleges to ensure better discipline among the schoolchildren and students thereat.

Reply: I would like to stress on the fact that disciplining students starts at home from early childhood and is followed at school. Disciplining students at the right time gives them the freedom to enjoy social life as successful and responsible adults. They also learn to control their impulses so that they do not get overly frustrated with the normal stresses of daily life.

It is the duty of each parent and the school authorities in general to inculcate in children how to exercise self control, respect for others and behave within set norms.

In my reply to the previous question on National Civic Service in Mauritius, I have stressed on the need to inculcate the sense of discipline upon our youth.

As far as the Police is concerned, it is a law enforcement agency which maintains a visible presence to deter crime, maintain public order and create a feeling of security in general.

Thus, I am informed by the Commissioner of Police that Police patrol is provided on a daily basis at major bus terminals as well as important bus stops used by students in order to ensure a safe journey to and from school.

Apart from normal policing, regular crack down operations are also carried out by the Police to curb such offences as larcenies, disturbances among others.

Also in certain areas, public buses are escorted by the Police in the evening to prevent misbehaviour by bus users, including students.

OFFICIAL CAR - BENEFICIARIES

(No. B/737) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the persons who have been allocated the use of an official car from the Government car pool, he will, for the benefit of the House, obtain from the Commissioner of Police and now table a list thereof, indicating their respective –

- (a) names;
- (b) status;
- (c) posting, and
- (d) make and model of the car.

(Withdrawn)

DRIVING LICENCE – LAWS & REGULATIONS - AMENDMENT

(No. B/727) Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the proposed amendments to be brought to the laws and regulations in respect of the renewal of the driving licence, he will state where matters stand.

(Withdrawn)

FISCAL RESPONSIBILITY BILL - INTRODUCTION

(No. B/729) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether he will state if Government proposes to introduce a Fiscal Responsibility Bill, following the observations made by the Director of Audit in his last report.

(Withdrawn)

STATE LAND – ROADS INFRASTRUCTURE - LEASE

(No. B/767) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Housing and Lands whether, in regard to the State land to be used for the construction of the new roads infrastructure, as announced in the last Budget Speech, he will state the -

- (a) number of plots identified therefor, indicating the location and area in each case, and
- (b) number of plots which are already leased, indicating in each case the -
 - (i) date it was leased;
 - (ii) name and address of the actual beneficiary;
 - (iii) annual rental, and
 - (iv) terms and conditions.

Reply: I am informed by Road Development Authority and according to records available at my Ministry, State land will be required in respect of the following two new roads projects -

- (a) Terre Rouge Verdun Link Road, and
- (b) Port- Louis Ring Road.

In respect of Terre Rouge Verdun Link Road an extent of 45000 square metre will be excised from State land Rivalland at Crève Coeur and an extent of 600 square metre of State land from crematorium grounds at Valton, Montagne Longue.

Regarding the status of State land required in respect of the Port-Louis Ring Road, some 89 families are presently illegally occupying the site except for two families who already hold building site lessees. They are namely -

- (1) Mr Mamode Rafik Korimboccus holds a lease over an

- extent of 294sq m at 89, Alma Street, Vallee Pitot for period 01.07.1994 to 30.06.2014 at a current annual rental of Rs225, and
- (2) Mr Sidick Korimboccus holds a lease over an extent of 412 sq m at 94, Alma Street, Vallee Pitot for period 01.07.1994 to 30.06.2014 at a current annual rental of Rs225.

Land has to be identified for the relocation of the 89 families. It is worth noting that 63 structures found on site are of concrete.

CEB – ELECTRICITY - FLUCTUATION

(No. B/768) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if cases have been reported of fluctuation in electricity having damaged domestic and industrial appliances, since July 2005 to date and, if so, the number thereof district-wise, indicating -

- (a) the number of appliances damaged and the value thereof, and
- (b) if measures have been taken to date for the replacement of the appliances or compensation given, and if so, the total cost thereof.

(Withdrawn)

HOSPITAL ATTENDANTS – PROMOTION EXERCISE

(No. B/777) Mr G. Gunness (Third Member for Montagne Blanche & GRSE) asked the Minister of Health and Quality of Life whether, in regard to the hospital attendants, he will state if a promotion exercise has been carried out, on or about 27 June 2009 and, if so, the –

- (a) criteria used, and
- (b) number thereof promoted, indicating in each case their respective names, addresses and years of service.

Reply: I am informed that a selection exercise was conducted in August/September 2008 to fill vacancies in the grade of Hospital Attendant. In accordance of the scheme of service of that post, appointment is made by selection of employees of my Ministry from the grades of Hospital Servant and Ambulance Attendant.

I am also advised that the criteria used as applicable to the filling of vacancies in the minor grades by way of a selection exercise were *inter alia* eligibility, experience and aptitude for the job.

Following that selection exercise, 96 candidates who were found suitable by a Selection Board, were offered appointment as Hospital Attendant (on shift) in a temporary capacity for a period of six months with effect from 29 June 2009.

Concerning the last part of the question, I wish to point out that in accordance with established practice, a Staff List is published officially on a regular basis providing information to the general public on senior officers in the public service. I do not wish to depart from this standing practice in relation to information concerning lower grade officers.

MAURITIUS CO-OPERATIVE CONSUMERS FEDERATION – FAIR PRICE SHOPS

(No. B/778) Mr J. R. Spéville (Second Member for Rodrigues) asked the Minister of Business, Enterprise and Cooperative whether, in regard to the co-operative shops, he will state –

- (a) the number thereof operating under the Mauritius; Consumers Co-operative Federation, indicating their respective location, and
- (b) if he is aware of the opening of new co-operative shops known as Fair Price and, if so -
 - (i) the number thereof ;
 - (ii) their location, and
 - (iii) if they fall under the aegis of the Mauritius Consumers Co-operative Federation.

Reply: With respect to part (a) of the question, I wish to inform the House that co-operative shops do not operate under the aegis of the Mauritius Co-operative Consumers Federation Ltd (MCCF). They are, however, affiliated to the Federation.

With respect to part (b) I am informed that, 'Fair Price' is a trademark registered by MCCF. As such the Mauritius Co-operative Consumers Federation is operating four Fair Price Shops namely at -

- (a) Plaine Lauzun
- (b) Montagne Ory
- (c) La Flora
- (d) St. Gabriel (Rodrigues)

Another Fair Price Shop will be opened at Le Ravin, Rivière du Rempart on 15 July 2009 and the MCCF is contemplating the opening of other fair price shops at -

- (a) Port Mathurin (Rodrigues)
- (b) Poudre D'Or Hamlet
- (c) Bois Cheri
- (d) L'Aventure
- (e) Petit Verger
- (f) Moka
- (g) Petite Rivière.

RODRIGUES - DBM – CO-OPERATIVE CREDIT UNION - FUNDS

(No. B/779) Mr J. R. Speville (Second Member for Rodrigues) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the granting of

funds by the Development Bank of Mauritius Ltd. to the Co-operative Credit Union in Rodrigues, he will, for the benefit of the House, obtain from the Bank, information as to the amount thereof to date –

- (a) earmarked, and
- (b) disbursed, indicating if he is aware of the delay in the release of the funds and, if so, the remedial measures that will be taken.

Reply: In the context of the redeployment of in-lagoon fishers in Rodrigues to alternative sustainable income generating activities, the National Empowerment Foundation (NEF) has set up a scheme comprising a loan component and a technical assistance component.

This scheme is also open to other unemployed Rodriguans who are willing to start up viable businesses. The NEF is providing funding for loans up to Rs150,000 per beneficiary and technical support in terms of training and consultancy at no cost to the beneficiaries. The loan scheme is operated through innovative loan management system involving the DBM as wholesale banker and the Cooperative Credit Unions in Rodrigues, which are known for their low rate of loan default, as loan retailers.

Insofar as the implementation of this new scheme is concerned, I am informed by the Development Bank of Mauritius Ltd. that an amount of Rs75 m. has been earmarked for projects in Rodrigues through Cooperative Credit Union (CCU) and, as at to date, an amount of Rs3 m. has already been disbursed.

I am further informed that since it is for the first time that the DBM is acting as wholesaler of loans and using the CCU as retailers of loans to these beneficiaries, a whole new process has had to be put in place to ensure that the interest of all parties are well safeguarded. Accordingly, the CCU's have had to modify some of their rules to adjust to the new system of disbursement of loan for beneficiaries who were not members of Credit Union. They had to seek to the approval of the General Assembly to increase the limit of the borrowings from DBM.

Now that this process has been finalised and all clarifications have been obtained from both parties (i.e CCUs and DBM), the DBM has given confirmation that the disbursement of loans will now be made within one week of approval of projects by the National Empowerment Foundation.

FREEDOM OF INFORMATION Bill – INTRODUCTION

(No. B/780) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Attorney-General whether, in regard to the introduction of the Freedom of Information Bill, he will state where matters stand.

Reply: As I have mentioned in the past, the Freedom of Information Bill is indeed a complex Bill in view of the fundamental changes that it entails at an administrative level. Those countries which have introduced the Bill are still having difficulties to decide where to strike the balance between access to information, on the one hand, and substantive limitations on the

grounds of public interest, on the other hand. A proper balance must be achieved between the right to know, the right to personal privacy and the delivery of effective government. Any decision to turn down a request has to be made with great care if the Freedom of Information Bill is going to be meaningful.

The implications of having a draft Freedom of Information Bill will have to be closely examined and assessed.

BAGATELLE DAM PROJECT

(No. B/781) Dr. A. Husnoo (Second Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in regard to the proposed Bagatelle Dam Project, he will state where matters stand.

Reply: I am informed that on 20 January 2009, Consultant Coyne et Bellier (France) in association with Servansingh Jadav and Partners Consulting Engineers (Mauritius) has been awarded the contract for the detailed design and construction supervision for the Bagatelle Dam. The Consultant started on 11 February 2009, and is currently updating the technical data of the project to cater for new developments in the regions of Port Louis and Lower Plaines Wilhems.

For the purpose of the complete detailed design studies -

- (i) a contract will be awarded shortly to assess the suitability of the soil to be used for the construction of an earthfill embankment by way of a trial embankment exercise;
- (ii) a contract has been awarded to carry out Geological and Geotechnical investigations which will be completed by October 2009.

The results of these investigations would confirm the foundation conditions for the embankment dam and the spillway.

Based on the above studies, the complete detailed designs of the dam will be finalised by March 2010.

In parallel, prequalification of contractors for the construction works is expected to be carried out by end 2009. The construction of the dam is expected to start in September 2010 and to be completed within 36 months when the reservoir would be ready for impoundment.

RIVER BANKS – SQUATTING

(No. B/782) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Housing and Lands whether, in regard to squatting on river banks, he will state the remedial measures that will be taken.

Reply: I wish to refer the hon. Member to my previous reply to PQ No. B/670 on the issue of squatting wherein I mentioned that this Government is determined not to tolerate squatting and that Section 22 of the State Lands Act provides for the eviction of squatters and demolition of all unauthorised structures on the sites occupied by them. This includes squatters on river banks as well.

Furthermore, I also stated in the reply, that the recent report on flooding, presided by the Honourable Judge Domah has recommended that all structures and building on river reserves and embankment be removed; as such obstruction had provoked the overflow of rivers during heavy rains thereby causing serious flooding with consequential damage to infrastructures and properties.

I am informed that according to the Forest and Reserves Act, all river reserves fall under the Jurisdiction of the Conservator of Forest, 90% of river reserves are on privately owned land whereas only 10% of the land constituting river reserves is State owned.

GAMING HOUSES – VACOAS - LICENCES

(No.B/783) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the gaming houses, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the number of licences thereof granted in the region of Vacoas as at to date, indicating if new applications have been received.

Reply: I am informed by the Gambling Regulatory Authority that, as at to date, three Gaming House “A” Licence and one Gaming House “B” Licence have been granted in the region of Vacoas.

I am further informed that one application for Gaming House “A” Licence and one application for Gaming House “B” Licence have been received and are under consideration by the Gambling Regulatory Authority.

METHADONE DISPENSING UNITS – COMPLAINTS

(No. B/784) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Minister of Health and Quality of Life whether, in regard to methadone, he will state the number of persons being treated therewith as at to date, indicating -

- (a) the location of Methadone Dispensing Units, and
- (b) if he is aware that people living in the vicinity of these units have been complaining about inconveniences caused thereby.

Reply: I am informed that as at to date, 1239 clients are on Methadone Substitution Therapy and the inpatient induction on methadone is currently being done at the National Methadone Substitution Centres (one for male and one for female) at Beau Bassin.

As regards part (a) of the question, I wish to inform the House that methadone is being dispensed in each of the five Regional Hospitals, the Brown Sequard Mental Health Care Centre, the Dr. Bouloux Area Health Centre and in Mobile Caravans at Rose Hill and Vacoas Police Stations, at Plaine Lauzun, Pailles and Vallée Pitot in Health Centres and at Plaine Verte in the yard of the Municipal Warden's Quarters.

Concerning part (b) of the question, my Ministry has received one petition from the inhabitants of Les Salines, Cassis and Bain des Dames in which they have expressed concern about the situation prevailing in the vicinity of Dr. Bouloux Area Health Centre where methadone is being dispensed.

Regarding remedial actions taken, with your permission, I wish to refer the hon. Member to the reply made by the hon. Prime Minister to PQ No. B/595 taken with respect to the issues raised in the petition concerning Dr. Bouloux Dispensing Unit in Cassis.

I wish to point out that Drug Dependence is an illness and should be prevented and treated as such. Drug users treated on methadone are patients and should not be discriminated against.

The policy of my Ministry is to further decentralise the methadone substitution therapy programme having as goal to reinsert the drug users back into society and also to decrease the transmission of the HIV virus through injecting drug use in the Mauritian population.

COMPACT FLUORESCENT LAMPS - DISTRIBUTION

(No. B/785) Mrs D. Perrier (Fourth Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in regard to the Compact Fluorescent Lamps, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the –

- (a) number thereof distributed, since the beginning of the campaign to date, and
- (b) measures that have been put in place for the disposal thereof.

(Withdrawn)

EDITH CAVELL/MERE BARTHELEMY STREETS – CASINOS - OPERATION

(No. B/786) Mrs D. Perrier (Fourth Member for Savanne & Black River) asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware of the existence of growing discontent amongst the inhabitants residing in the vicinity of the Edith Cavell and Mère Barthèlemy Streets in regard to the casinos operating in the area.

(Withdrawn)

STC - PETROLEUM PRODUCTS – IMPORTATION

(No. B/787) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Business, Enterprise and Cooperatives whether, in regard to petroleum products, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the annual volumes of the types of fuel oils imported from the Mangalore Refineries and Petrochemicals Ltd., indicating the –

- (a) parcel sizes;
- (b) breakdowns per shipment;
- (c) name of the maritime agent and since when;
- (d) freight rates, charges applicable and other terms and conditions, and
- (d) procedure followed for the award of the contract.

Reply: I am informed by the State Trading Corporation that, in regard to petroleum products, the Corporation imports around 1 million MT annually of fuel oils from the Mangalore Refineries and Petrochemicals Ltd as follows -

MOGAS	90 000 Metric Tons
GAS OIL	350 000 Metric Tons
JET FUEL	250 000 Metric Tons
FUEL OIL 180 CC	165 000 Metric Tons
FUEL OIL 180 CST SR	60 000 Metric Tons
FUEL OIL 380 CST SR	120 000 Metric Tons

In regard to part (a) of the question, the shipments vary between 33,000 m. tonnes and 42,000 m. tonnes for White Oil (Mogas, Jet Fuel and Gas Oil). Shipments of Fuel Oil vary between 28,000 m. tonnes and 32,000 m. tonnes.

In regard to part (b) of the question, a breakdown of the last shipment of 40,000 MT white oil received on 24 June 2009, the quantities were as follows -

MOGAS	7000 Metric Tons
GAS OIL	23 000 Metric Tons
JET FUEL	10 000 Metric Tons

The quantities of 32,000 MT FUEL Oil received on 11 June 2009 were as follows -

Fuel Oil 180 CC	16 000 Metric Tons
Fuel Oil 180 CST SR	4 000 Metric Tons
Fuel Oil 380 CST SR	12 000 Metric Tons

In regard to part (c) of the question, the State Trading Corporation had recourse to the services of the Mauritius Shipping Corporation Ltd (MSCL) since the creation of the latter in 1986. Subsequently in the year 1998, the MSCL created a subsidiary company, namely MSC Coraline Ship Agency Ltd and the latter became the shipping agent of State Trading Corporation's vessels in Port Louis.

In regard to part (d) of the question, the freight rates applicable for White oil is USD 21.21 per m. ton and that for Black oil is USD 805,000 on a voyage basis.

A copy of the Contract of Agreement is being tabled.

In regard to part (e) of the question, it was a Government to Government deal following the visit of the Prime Minister to India in 2005. A first year contract was made between State Trading Corporation and MRPL for period August 2006 to July 2007, followed by a 3-year contract for period August 2007 to July 2010. It was a direct negotiation and the rates were compared to that of other traders and refineries.

SMEs – RESTRUCTURING PLANS – ADDITIONAL STIMULUS PACKAGE

(No. B/788) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Small and Medium Enterprises, he will, for the benefit of the House, obtain from the Enterprise Mauritius, information as to the number thereof which it has assisted in developing restructuring plans to qualify for financial assistance under the Additional Stimulus Package, indicating if it had appointed consultants for this exercise and, if so, their names and the fees paid out.

Reply (The Minister of Industry, Science & Research): I have been informed by Enterprise Mauritius that a helpdesk has been set up on 05 December 2008 to assist SMEs. Following the setting up of that desk and subsequent press advertisement, 61 SMEs reported to EM for assistance.

In the first instance, Enterprise Mauritius carries out a preliminary assessment with the help of in-house staff. On the basis of that assessment, 15 consultants were hired by EM, at a fee of Rs30,000 per firm, following a press advertisement in January 2009, to carry out a comprehensive enterprise diagnostic to determine the nature of assistance to be provided to those SMEs.

I am tabling the names of these consultants.

On the basis of the enterprise diagnostic, assistance has been provided to SMEs as follows -

- (a) 9 SMEs were referred to the Mechanism for Transitional Support to the Private Sector (MTSP) for direct financial support estimated at Rs 84 m.;

- (b) 19 SMEs have benefited under the Technology Diffusion Scheme financed by the MASMED for a total sum of Rs6.5 m.;
- (c) 13 SMEs have obtained assistance for packaging and labelling for the total sum of Rs3 m.;
- (d) 30 SMEs have been provided assistance for marketing trips to the tune of 4.9 m., and

I am also informed that, out of nine (9) SMEs referred to MTSP, three (3) SMEs have so far benefitted from Rs22.5 m. under the Additional Stimulus Package in the form of debentures at a fixed rate of interest of 5% per annum and guarantee to banks.

I wish to inform the House that financial support is provided to qualified enterprises under the ASP subject to the following conditions -

- (i) the enterprise had a viable past track record and will have a viable future after recovery;
- (ii) there is a risk and burden sharing on the part of the enterprises, the banks and Government, and
- (iii) on the basis of a credible restructuring plan and an independent scrutiny of the enterprise by consultants appointed by MTSP.

The beneficiaries obtained assistance from ASP on the basis of the foregoing conditions and on their own merits.

The remaining six (6) are under process. The Independent Financial Analysts are still negotiating with all parties (the enterprises, Banks and MTSP), for a Terms Sheet. I understand that the nine (9) SMEs employ, in all, 1003 employees.

As regards the name of the Independent Financial Consultants who carried out the exercise for the Financial Rescue Plan for the SMEs and their fees, I refer the hon. Member to the reply made to the PNQ dated 28 May 2009 by the Vice Prime Minister and Minister of Finance and Economic Empowerment.

ABANDONED/UNOCCUPIED LAND – DUMPING SITES

(No. B/789) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Environment and National Development Unit whether he is aware that several abandoned/unoccupied plots of land in the Constituency No. 3, Port Louis Maritime and Port Louis East, are being used as dumping sites and, if so, indicate the measures he proposes to take to have them cleaned.

Reply (The Minister of Local Government, Rodrigues and Outer Islands): I am informed by the Municipality of Port Louis that few cases of illegal dumping on certain barelands in Constituency No.3 have been reported and notices have been issued to those contraveners, in this respect.

I am also informed that 33 barelands have already been cleaned by the Council in the context of the Clean up Campaign against the proliferation of mosquitoes.

CONSTITUENCY No. 3 – RDA – PROJECTS

(No. B/790) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the projects undertaken by the Road Development Authority, in the Constituency No. 3, Port Louis Maritime and Port Louis East, for the period 2001 to 2005 he will, for the benefit of the House, obtain from the Authority, a list thereof, indicating in each case the –

- (a) cost involved, and
- (b) date of completion.

Reply: The information has been placed in the Library of the National Assembly.

CITÉ ROCHE BOIS - CHILDREN'S PARK - REPAIRS

(No. B/791) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government, Rodrigues & Outer Islands whether he is aware of the bad state of the children's park in Cité Roche Bois and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to the remedial measures that will be taken.

Reply: I am informed by the Municipality of Port Louis that although the children playground at Robert Surcouf Street, Roche Bois was handed over to the Council by the Ministry of Environment and National Development Unit on 06 April 2009, various restructural works namely fixing of play equipment, reconstruction of alleys and levelling and planting are in progress. These works, I am informed, will be completed in three weeks' time.

JEEKHEEREEA ROAD, QUARTIER MILITAIRE - DRAIN WORKS

(No. B/792) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Environment and National Development Unit whether, in regard to the drain works being carried out at the Jeekheereea Road at Quartier Militaire, he will state when they will be completed.

Reply: A contract for the construction of drains along three roads including Jeekheereea Road, Quartier Militaire was awarded to A.J. Maurel Construction Ltd on 16 November 2007.

However, during the execution of works, inhabitants made representations as the proposed design did not cater for one property which lies at a lower point.

The drain project along Jeekheereea Road has been redesigned and the remaining 25% of the drain works is expected to be completed by end of July 2009.

HORTENSIA LANE, VERDUN - DRAINS

(No. B/793) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Environment and National Development Unit whether, in regard to the construction of drains at Hortensia Lane, Verdun, he will state where matters stand.

Reply: Following a reply made to PQ No. B/209 on 08 April 2008, the National Development Unit issued a financial clearance to the Council for an amount of Rs675,000 on 13 May 2008 for the construction of three drains including one along Hortensia Lane, Verdun. However, some delays have occurred.

As a temporary measure, the District Council has done some dredging works on the rivulet over a length of 190 metres along Hortensia Road, Verdun.

I am advised that the Moka Flacq District Council has now called tenders for the construction of the said drain.

SAVANNAH ROAD, VALETTA - REPAIRS

(No. B/794) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware of the bad state of the Savannah Road at Valetta and, if so, will he consider the advisability of having same resurfaced.

Reply: I am informed by the Moka/Flacq District Council that only part of Savannah Road at Valetta which has been excavated by the Central Water Authority, is in bad state.

I am informed that the Council has on 03 July 2009 taken up the matter of reinstatement of the road with the Central Water Authority.

L'ESPÉRANCE, QUARTIER MILITAIRE - CREMATION GROUND, VILLAGE HALL & FOOTBALL GROUND

(No. B/795) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to l'Espérance, Quartier Militaire, he will state where matters stand in relation to the –

- (a) upgrading of the cremation ground;
- (b) construction of a new village hall, and
- (c) lighting of the football ground.

Reply: I am informed by the Moka/Flacq District Council that upgrading works relating to the cremation ground namely fencing, screeding of the wall, painting of the shelter, raising the floor level of the shelter have already been completed; whereas concreting of the yard will be completed by the end of this month.

With regard to part (b) of the question, I am informed that there is no decision to construct a new Village Hall. However, the existing Village Hall will be maintained and painted during the current financial year.

As far as the last part of the question is concerned, I am informed that the project for lighting of the football ground is being considered.

