

**MAURITIUS FOURTH NATIONAL ASSEMBLY**

**FIRST SESSION**

**Debate No. 23 of 2009**

**Sitting of Tuesday 21 July 2009**

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

**at 11.30 a.m.**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

**CONTENTS**

---

**ANNOUNCEMENTS**

**PAPERS LAID**

**QUESTIONS** *(Oral)*

**MOTION**

**STATEMENT BY MINISTER**

**BILLS** *(Public)*

**ADJOURNMENT**

**QUESTIONS** *(Written)*

**MAURITIUS**

-----

**Fourth National Assembly**

-----

**First Session**

**Debate No. 23 of 2009**

**Sitting of Tuesday 21 July 2009**

## ANNOUNCEMENTS

### CARDINAL JEAN MARGÉOT - DEATH

**Mr Speaker:** Hon. Members, before we start with the business of the day, I will kindly invite you to stand up to observe one minute of silence in memory of the late Cardinal Jean Margéot who passed away on Friday 17 July 2009.

*Members observed a minute of silence.*

### THE FINANCE (MISCELLANEOUS PROVISIONS) BILL – POINT OF ORDER - RULING

**Mr Speaker:** Hon. Members, at the sitting of the House last Tuesday, the hon. Leader of the Opposition, following the introduction of the Finance (Miscellaneous Provisions) Bill at First Reading raised a point of order. The point of order may be summarised as follows –

- (a) the Parliamentary Practice so far has been that the Minister of Finance presents the Bill, that is, the Finance (Miscellaneous Provisions) Bill in the House and, after listening to him, the Leader of the Opposition stands up and replies in the light of what he has said;
- (b) in this Finance Bill, there are issues that have nothing to do with the Ministry of Finance;
- (c) he made specific reference to the proposed amendments to the Bail Act, the Certificate of Morality Act, the Law Reform Commission Act, Tourism and so on, and
- (d) the hon. Leader of the Opposition sought guidance from the Chair. Hence, his point of order and request for a ruling from the Chair.

I should like to thank the hon. Leader of the Opposition for having drawn the attention of the Chair to this procedural aspect.

Hon. Members, every Bill has a title succinctly describing the nature of the proposed measures. The title generally referred to as the long title is prefixed to the Bill and is retained in the Act. Care is taken to see that the long title is sufficiently wide enough to cover the provisions of the Bill.

It is apposite here to mention that the long title of the Finance (Miscellaneous Provisions) Bill is as follows, I quote -

“To provide mainly for the implementation of measures announced in the Budget Speech for the strengthening, streamlining of certain provisions relating to revenue, public finance and financial services.”

As far as I am aware, there has been no pronouncement made in the House in regard to the present point of order.

I have, therefore, looked into our Standing Orders and I must say that there is no specific provision therein as regards the Finance Bill. I have turned to the practice that obtains in the House of Commons as provided for by Standing Order 1 of our Standing Orders and I have found the following -

At page 913 of Erskine May - Parliamentary Practice, 23rd Edition, it is stipulated in paragraph 1 under the title 'Scope of Finance Bills' the following and I quote -

"The long title of the Finance Bill normally describes it as a Bill "to grant certain duties, to alter other duties and to amend the law relating to the National Debt and Public Revenue and to make further provisions in connection with finance."

It is further stipulated in paragraph 3 -

"The scope of the Finance Bill is not limited to the imposition and alteration of taxes for the purpose of adjusting the revenue of a particular year. It is not intended to be an annual Act in the same sense as the Appropriation Act but normally includes many provisions of a permanent character for the regulation of the fiscal machinery and other purposes."

Hon. Members, at the same page 913 and at paragraph 5, this is what Erskine May further says -

"Provisions not essentially connected with national finance or not incidental to the taxing or administrative provisions of a Finance Bill are outside the scope of a Finance Bill, and their inclusion might justify an accusation of "tacking"."

In the United Kingdom, however, if it is considered desirable to insert in the Finance Bill a matter outside its normal scope a resolution may be passed. In such a case, the matter covered by the resolution must not be so far removed from Central Finance as to make its inclusion indefensible and invite complaints from Members.

In the light of the foregoing principles and practices, I rule that the Finance (Miscellaneous Provisions) Bill should not contain provisions intended to make permanent changes in existing laws unless they are essentially connected with national finance, or, are consequential upon, or incidental to the taxation proposals and may also include provisions that are sufficiently closely related to those matters within the spirit and scope of the Bill as defined in the long title.

Although it is not incumbent upon me nor it is the responsibility of the Chair to scrutinise the relevance of the provisions contained in Finance Bills, I have exceptionally looked into the four issues that have been expressly raised by the Leader of the Opposition.

In regard to the Bail Act, the amendment proposed to be brought is a matter that has an implication for Government revenue, being given that it provides for the waiving of "any duty or charge".

Regarding the Certificate of Morality Act, it is clear that there is no relation whatsoever with the scope of the Bill.

Concerning the Law Reform Commission Act, the proposed amendment is meant to provide for the appointment of the Director of Public Prosecutions or his representative on the Law Reform Commission as a consequence of the separation of the budget of the office of the Director of Public Prosecutions to give the latter its financial autonomy, as announced in paragraph 223 of the Budget Speech.

The amendment proposed to the Tourism Authority Act, relates to the better regulation of private club, tourist enterprise and for the licensing, regulation, and supervision of the activities of whale and dolphin watching as announced at paragraph 107 of the Budget Speech, and regularises the payment of any charge or fee paid under the Act or under any regulations made under the Act, to be paid into the Consolidated Fund.

Finally, the proposed amendment to the Tourism Employees Welfare Fund Act has a bearing on public finance as the General Fund established under Section 15 of the Act includes contributions made by Government in the form of grants.

I am, therefore, of the opinion that the provisions of the Finance (Miscellaneous Provisions) Bill relating to the Bail Act, the Law Reform Commission Act, the Tourism Authority Act and the Tourism Employees Welfare Fund Act fall within the purview of the Bill.

Insofar as the proposed amendment to the Certificate of Morality Act is concerned, I am further of the opinion that there is no connection whatsoever with the Finance (Miscellaneous Provisions) Bill, and therefore, it cannot stand as part of the Bill.

I thank you for your attention.

## PAPERS LAID

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

**A. Ministry of Housing and Lands -**

The Landlord and Tenant (Exemptions) (Amendment) Regulations 2009 (Government Notice No. 77 of 2009).

**B. Ministry of Agro Industry, Food Production and Security –**

The Annual Report of the Mauritius Sugar Industry Research Institute (MSIRI) for the year 2008.

**C. Ministry of Information and Communication Technology -**

- (a) The Report of the Director of Audit on the Financial Statements of the Information and Communication Technologies Authority for the year ended 30 June 2008.
- (b) The Report of the Director of Audit on the Financial Statements of the Postal Authority for the year ended 30 June 2008.

## ORAL ANSWERS TO QUESTIONS

### MAURITIUS REVENUE AUTHORITY - RECRUITMENT EXERCISE – SUPREME COURT JUDGMENT

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether he has taken cognizance of the judgment of the Supreme Court, dated 19 November 2009, to the effect that the committee, set up under Section 11 of the Mauritius Revenue Authority Act for the selection and recruitment exercise of officers, was not lawfully constituted and had acted illegally and, if so, will he, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the –

- (a) remedial measures that have been taken, and
- (b) impact of the judgment, if any, on the Assessment Review Committee in the discharge of its functions and, if so, how.

**The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen):** Mr Speaker, Sir, the judgment of the Supreme Court, dated 19 November 2008, pertains to the judicial review filed by Mr M. Beekarry, former Assistant Commissioner of Income Tax, against the Mauritius Revenue Authority (MRA) in the presence of Mrs V. Ramdin and others, contending that he should have been offered appointment as Section Head or otherwise offered employment by the Authority.

During the hearing of the Judicial Review, it was contended that Messrs Mosafeer, Hannelas and Mrs Gunnoo who were appointed members of the Interview Committee in their capacity as Director-Designate, were not members of the management team of MRA as they ought to be Directors and not Directors-Designates. Although the Directors-Designates were made the members of the Interviewing Panel after seeking permission from the Public Service Commission as they were also performing duties of Commissioners of the Income Tax Department, the Supreme Court held that the Committee lacked jurisdiction inasmuch as the three members of the Committee, i.e. Messrs Mosafeer, Hannelas and Mrs Gunnoo had not been appointed at that time to form part of the management team in conformity with the mandatory provision of the MRA Act. The Supreme Court observed that since the decision making process on which the Authority relied to reach its final determination is flawed on account of a procedural irregularity; the court has no option but to quash the Authority's decision in respect of the applicant's application to the post of Section Head. The case was, therefore, remitted back to the MRA for a 'fresh decision' to be taken with regard to the applicant's application in conformity with the provisions of the Act.

Mr Speaker, Sir, the court, however, did not comment on the appointment of Section Heads by the same panel although they were cited as co-respondents.

It should be clearly understood that the view of the State Law Office is that the Supreme Court Judgment in the Beekarry v/s MRA case does not, in any manner whatsoever, concern the appointment of MRA Officers. The judgment, Mr Speaker, Sir, is limited to the question of the validity of the decision of the MRA not to select Mr Beekarry for the post of Section Head. Although the Supreme Court has stated that the members of the MRA panel which made the decision not to select Mr Beekarry were not lawfully appointed, the Supreme Court has not quashed the appointment of any MRA Officers who have subsequently raised assessments on taxpayers.

In fact, Mr Speaker, Sir, the decision states, I quote –

“The Court has no option but to quash the Authority’s decision in respect of the applicant’s application to the post of Section Head. We, therefore, declare that the Authority acted illegally and in breach of its statutory obligations under Sections 6 and 11 of the Mauritius Revenue Authority Act. However, since it is not this Court’s function to substitute itself for the Authority in the exercise of its Statutory Functions and Duties under the Act for the appointment and selection of its staff, we remit the matter back to the Authority for a fresh decision to be taken with regard to the applicant’s application in conformity with the provisions of the Act.”

However, lawyers for a number of taxpayers have seized the opportunity to object to assessments on the ground that the MRA Officers who have raised the assessment were initially appointed by an illegally constituted MRA panel of interviewers. The legal advisers of the MRA and the SLO disagree with the soundness of the legal challenge of these assessments. In their view, so long as any MRA Officer’s appointment has not been quashed by the Supreme Court, the MRA Officer can validly raise assessments against any taxpayer.

However, because lawyers have been using the Beekarry judgment to raise legal objections to assessments and, thereby, delaying the raising of revenue by the MRA and delaying the determination of cases by the ARC, Government is making sure that no such further delays, not justified in the opinion of the SLO, recur in respect of future cases by amending in the Finance Bill the MRA Act to prevent assessments being unjustifiably challenged according to the SLO and disposal of cases being unduly delayed, as is currently happening following the Beekarry case, on the ground that the MRA Officers making the assessments were not lawfully appointed.

Mr Speaker, Sir, the validity of appointment of MRA officers can only be determined by the Supreme Court and not by lawyers representing taxpayers.

Pursuant to the judgment of the Supreme Court, Mr Beekarry was called to appear for the post of Section Head, which he declined. Mr Beekarry has filed a contempt petition in the Supreme Court against the Chairman of the MRA, the Director-General of the MRA, the Director, Human Resource of the MRA, the Director, LTD (Large Taxpayers Department), MRA and ten other Section Heads and the case is pending before the Supreme Court.



Mr Speaker, Sir, as regards the validity of the appointment of other Section Heads is concerned, an opinion from the State Law Office was sought and MRA was advised that the presumption of regularity will prevail and no action has to be taken by the MRA.

Certain Legal Advisers raised this issue before ARC. Legal advice was again obtained from State Law Office and MRA was advised that all assessments are raised by the Director-General, pursuant to the powers conferred upon him under the Income Tax Act. The same applies in relation to decisions taken under the other Revenue Acts and thus the decisions do not suffer from any irregularity.

**Mr Bérenger:** The hon. Vice-Prime Minister and Minister of Finance ended by saying that he has been advised by the State Law Office that presumption of regularity holds. Before I go into the matter itself, may I ask whether he is aware that in its judgment, the Supreme Court, in November 2008, rules specifically that presumption of regularity under Section 31 of Interpretation and General Clauses Act is inapplicable?

**Dr. Sithanen:** This is not what I am saying, Mr Speaker, Sir. The advice that I have received from the SLO is that we have to make the distinction between the aggrieved person who appealed to the court because he believed he was unfairly barred from this post and the fact is that the two Judges did not quash the appointment of all other officers. In fact, I quoted the last part of the judgment by the two Judges, Mr Speaker, Sir, and I have been advised that we have to make a clear distinction between the case of the aggrieved person and the fact that the appointment and selection of all the other members were not quashed by the two Judges. I have been further advised, Mr Speaker, Sir, by the SLO that if this was the intention of the court, it would have been made as other Section Heads were also appearing as correspondents.

**Mr Bérenger:** We all know that the Beekarry case relates to one appointment, but when one reads the judgment, it is clear that by extension what the judgment says is that the top and middle management of MRA, in general, as from the setting up of the MRA, was illegally appointed and, therefore, all acts done or decisions taken since, are illegal.

**Dr. Sithanen:** This is not even the reading of a layman. I have read it three times, Mr Speaker, Sir, and I have sought advice. Nowhere do the two hon. Judges quash the appointment of all other Section Heads. It was only referring to the specific case of Mr Beekarry and they said very clearly that they are remitting it back to the authority for a fresh decision to be taken with regard to the applicant's application in conformity with the provision of the Act. Mr Speaker, Sir, maybe, I should explain here what was the problem. There has been delay in the setting up of the MRA. I am not going to blame the previous Government and I think probably we have to share this. The Act was proclaimed on 01 October 2004, if my memory serves me right, but it took some time to recruit the Director-General of the MRA. If my understanding is correct, I think he was recruited in May 2005 and then it took some time to recruit the other Directors. I have asked the question, Mr Speaker, Sir. We are talking about a difference of seven days. The committee was set up after obtaining the approval of the PSC. The interview took place on 24 April 2006, they gave their deliberation on 24 June 2006 and they were appointed Directors of MRA on 01 July 2006. We are talking about seven days between the decision made on who will be appointed Section Head and when they were appointed Directors of MRA on 01

July. I asked the obvious question which everybody wants to know: why were these Directors not appointed before 01 July or why couldn't the interview take place after 01 July? They gave me the following answer: These three persons are very good professionals, Mr Mosafeer, Mrs Gunnoo and Mr Hannelas were working as Commissioner at the Income Tax Department. They had to fulfil their functions until 30 June 2006. And when they would become Director on 01 July 2006, they would need staff to work for them and this is why exceptionally the PSC agreed that, as Director-designates, while they were fulfilling their functions as Commissioner in the Income Tax Department, they could sit on the Selection Committee to recruit staff so that when they join on 01 July they would have people working for them. This is the explanation given to me, Mr Speaker, Sir.

**Mr Bérenger:** I maintain that the reading of the judgment shows clearly that the top and middle management of the MRA has been, as per the judgment, illegally appointed since the setting up of the MRA. Can I ask the hon. Minister whether he has taken the trouble to see why no appeal to the Privy Council was sought and whether it was not because it would have opened the Pandora's Box?

**Dr. Sithanen:** I asked this question, Mr Speaker, Sir. I am sure the hon. Leader of the Opposition knows very well that some lawyers have made representation to the ARC on assessments raised and this matter will be determined by the ARC. I understand that the MRA, on the advice of the SLO, is waiting for what would be the pronouncement of the ARC on this particular issue. There is also an issue of technicality and practicality, Mr Speaker, Sir. It would not make sense for all assessments raised by the MRA to be contested before the ARC. Let me also make it clear that - I have spoken to the MRA this morning - all assessments in law are not raised by the Section Head, but by the Director of the MRA.

**Mr Bérenger:** Is the hon. Minister now aware that whilst the case was ongoing before the Supreme Court in 2007, false affidavits were sworn in by the MRA, according to my detailed information, and misleading and false information was given to the court? For example, that no vacancy existed when, in fact, there were a number of vacancies at the MRA.

**Dr. Sithanen:** I am not aware of the allegations made by the Leader of the Opposition, Mr Speaker, Sir. I chaired a meeting this morning in order to have all the information because I was not aware of the specifics of the question asked by the hon. Leader of the Opposition. I have not been given this information. I have to go on the basis of the judgment made by the two Judges and also on the advice given by the State Law Office and answers to questions that I have raised this morning with the Director of the MRA and also to some Board members of the MRA.

**Mr Bérenger:** The hon. Minister has himself made it clear that there are contempt of court proceedings before the Supreme Court right now accusing the MRA of having committed contempt of court. Is he aware that only last week the same point of the illegality of the top and middle management of MRA in general and, therefore, that all acts done or decisions taken by illegally appointed officers are illegal themselves, is he aware that only last week lawyers pleaded before the Assessment Review Committee on the same point and that, according to me, the State Law Office acknowledged the fact probably on speculating banking on the Bill that is before the House today?

**Dr. Sithanen:** No, the Bill before the House is prospective, Mr Speaker, Sir, not retrospective. And, in fact, I was informed this morning that the MRA will await for the adjudication of the ARC on the cases that are pending before it. Let me make it abundantly clear, Mr Speaker, Sir, that we have to make the distinction between the aggrieved party who appealed to the court because he thought that he was not given this post and the fact that the appointment and selection of all the other officers have not been questioned, let alone quashed by the two Judges. We have to make a big distinction between these two issues. I have mentioned the case of Mrs Ramdin, Mr Speaker, Sir, who appeared as co-respondent. It is very clear that we have to make this distinction. When the two Judges sent it to the MRA to review, they did call the person for an interview, and there was a post available; but he chose to appeal again to the court for the points made by the Leader of the Opposition.

**Mr Bérenger:** Mr Speaker, Sir, can I ask the hon. Minister of Finance and through him the Prime Minister whether they don't find it shocking that whilst there is a contempt of court procedure in front of the Supreme Court, whilst only last week it was pleaded before the Assessment Review Committee the point which I have made, today, through the Finance Bill, Government tries to render legal assessment raised by officers whose appointments have been declared illegal since 2006 and, therefore, to circumvent a judgment of the Supreme Court?

**Dr. Sithanen:** Certainly not, Mr Speaker, Sir. The advice I have is the following: what is being contested is the decision of the committee as constituted not to give a job of Section Head to Mr Beekarry. The two Judges have not quashed the appointment and selection of the other officers. The ARC will make its judgment, but we have said that the amendment that we are making is basically for technical and practical purposes, otherwise we may not be able to raise revenue. I have also said that it is not Section Head in law that assesses revenue, Mr Speaker, Sir; it is the Director-General who raises these assessments. We have to be practical also about raising revenue, Mr Speaker, Sir. I did mention initially, from practical angle, we are talking about seven days between the decision made and the appointment of Director on 01 July or two months between when the committee was appointed and the Director appointed. The MRA did get the cover of the PSC in view of the necessity to ensure that there is continuity of service.

**Mr Dulloo:** The hon. Minister of Finance has conceded in his reply that the Supreme Court did find, by way of Judicial Review, that the committee was illegally constituted, that the appointments of those officers were not lawful, but the Supreme Court did not quash, because what the Supreme Court did, it remitted the whole matter to the Mauritius Revenue Authority in order to deal with it legally as per the guidance given in the judgment. May I ask the hon. Minister whether the whole exercise, not only the recruitment of Mr Beekarry, applicant in the case, but the recruitment of all the other officers, by that committee has been illegal and, therefore, should be reviewed by the Mauritius Revenue Authority?

**Dr. Sithanen:** This is clearly not what is stated in the pronouncement of the two Judges. This is very clear that they made the distinction between the two issues. One, they have not quashed the appointment and selection of the other officers...

*(Interruptions)*

Of course, they could have done it, because some other Section Heads appeared as co-respondents – the hon. Member is also pretending to be a lawyer; I have read it also. I have been advised by the SLO. I have to go by the advice of the SLO and it seems to me also when you read the judgment, Mr Speaker, Sir, and when you look at the last paragraph, it is very clear. They said that they will not go into the appointment and selection of staff members.

**Mr Jugnauth:** The hon. Minister is saying that because the Supreme Court did not quash the nomination of the other members, therefore, that is in order. But will the hon. Minister agree that there was no prayer from the applicant requesting that the nomination of others be quashed; it was only a prayer regarding the non-selection of the applicant?

**Dr. Sithanen:** I raised this point this morning also, Mr Speaker, Sir, even though I am not a lawyer and I was given two answers. First, some of the other Section Heads appeared as co-respondents and second, that as long as the court has not quashed the appointment of the other Section Heads, the presumption of regularity must hold.

**Mr Dowarkasing:** Mr Speaker, Sir, in the judgment it has been stated that the Committee had not been constituted in accordance with the mandatory provisions of the Act. Therefore, the Judges concluded that the process for the recruitment exercise, which was based on an interview and recommendation made by the Committee lacked jurisdiction, etc. Based on that, doesn't the hon. Minister feel that this Committee was not lawfully constituted; therefore, all the recruitments made by this Committee were not lawful?

**Dr. Sithanen:** I agree with the inference, but I disagree with the conclusion. It is possible to agree with the inference, but not with the conclusion. The two Learned Judges did not reach that conclusion even if they start with the inference.

**Mr Dulloo:** Mr Speaker, Sir, with your permission, we won't enter into a debate asking for legal opinion of the hon. Minister of Finance. With your permission, on the Second Reading of the Finance Bill, we will express our views and we will try to guide Government on this. But to enlighten the House, may I ask the hon. Minister of Finance to refer to the case of the appointment of Deputy Prime Ministers where the Supreme Court did not quash the appointment, but made its pronouncement in law and Government, very wisely, adopted the procedure in order to redress the situation, by bringing a Bill to the House. I would, therefore, ask the hon. Minister whether he should not view the whole issue in the light of the action taken by Government following the judgment of the Supreme Court in the case of Deputy Prime Ministers.

**Dr. Sithanen:** Mr Speaker, Sir, the Committee has been duly constituted now because they were appointed Directors on 01 July 2006 and I did explain to the House why it took some time to do that. I also did explain why the interview could not take place after 01 July and why the appointment of the Director could not occur before 24 June. It was for reason of practicality and also to ensure *qu'il y ait continuité* in revenue raising for Government.

**Mr Bérenger:** My last question is the following: if what I have said is proved, and pending the ruling of the Supreme Court as to whether the MRA has been guilty of contempt of

Court – because this is a very serious matter - the other allegation which I have referred to, false affidavits; providing the court with false information, being given the importance of the MRA as a very important institution that must inspire confidence, will the hon. Minister of Finance agree that what has taken place is not healthy and that, therefore, the MRA should take action to correct the wrong that has been done and to project another image?

**Dr. Sithanen:** Let's be fair, Mr Speaker, Sir! The MRA, up to now, has a good image. We have to be very fair to the MRA. I regret what has happened. I have tried to ask questions on the dates because the hon. Leader of the Opposition was talking in one case of seven days and in another case about two and a half months. They have given me the explanation that I have given to the House. I am not aware of the allegations that the hon. Leader of the Opposition has made with respect to false affidavits. I am not aware. I will try to find out, Mr Speaker, Sir. I have also made a distinction between what I read as a layman, and also the advice that I have obtained from the lawyers about the distinction made between the person that has been aggrieved and the fact that there is no decision to quash the appointment and selection of all other members.

**Mr Speaker:** Time is over! The Table has been advised that Parliamentary Question No. B/872 addressed to Dr. the hon. Prime Minister has been withdrawn and that Parliamentary Question No. B/889 addressed to the hon. Minister of Civil Service and Administrative Reforms will be answered by Dr. the hon. Prime Minister!

## ADVISERS & PRESS ATTACHÉS - APPOINTMENT

**(No. B/869) 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 each of the Advisers and Press Attachés appointed by Government, since May 2008 to date, he will now state their respective –

- (a) names;
- (b) terms and conditions of appointment, indicating if same have been reviewed, following the Pay Research Bureau Report 2008, and, if so, table copy thereof, and
- (c) qualifications.

**The Prime Minister:** Mr Speaker, Sir, I am tabling the information requested by the hon. Member.

In fact, from May 2008 to 15 July 2009, 39 Advisers have been recruited by the Government. The terms and conditions of their contractual appointment are determined by the Ministry of Civil Service and Administrative Reforms and Pay Research Bureau.

I wish to highlight, Mr Speaker, Sir, the fact that the total number of Advisers and Press Attachés appointed by this Government is 188, and this is far, far less than the 277 Advisers/Press Attachés recruited during the period September 2000 to June 2005, and also I should point out, on terms and conditions, far more favourable than those of Senior Advisers recruited by this Government.

**Mr Jhugroo:** Is the hon. Prime Minister aware that I have asked the same Parliamentary Question on 21 April 2009 and, as at yesterday, the document was not yet tabled?

**The Prime Minister:** This is precisely the document that I am tabling. I told the hon. Member that the information is being tabled.

**Mr Jhugroo:** Can the hon. Prime Minister confirm whether the reply I got was 175 Advisers and he mentioned...

**Mr Speaker:** Please listen, hon. Jhugroo! I am sorry, once again, I have to draw the attention of hon. Members that they must know what questions they put. If a question has been put and the reply has been given, you cannot ask the hon. Prime Minister to confirm the answer he has given to the House.

**Mr Jhugroo:** Mr Speaker, Sir, I want to draw the attention of the hon. Prime Minister.

**Mr Speaker:** The hon. Member cannot, at Question Time, make comments, etc. The Standing Orders are clear. Please read the Standing Orders on questions. Question time is to ask for information.

**Mr Jhugroo:** Can the hon. Prime Minister confirm that the figure given on 21 April has increased today from 175 to 188?

**Mr Speaker:** That is clear. It was 175 and it is 188. It is clear that it has increased.

### **MAURITIUS RADIO TELESCOPE PROJECT, BRAS D'EAU - THEFT**

**(No. B/870) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the theft of copper wires to the prejudice of the Mauritius Radio Telescope Project at Bras d'Eau, on or about May 2007, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto and, if so, indicate if any culprit has been found.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, according to Police records, no case of theft of copper wires to the prejudice of the Mauritius Radio Telescope Project at Bras d'Eau has been reported to the Police in or about May 2007.

However, five such cases have been reported to the Police in the year 2008 as follows –

- four cases of “Larceny” of copper cables in February and May 2008, and
- one case of “Attempt at Larceny” in May 2008.

Police has carried out enquiry in the five cases and -

- in one case, five persons have been arrested and released upon furnishing a surety of Rs5,000 and a recognizance of Rs5,000. The case has been completed and it has already been submitted to the Flacq Prosecutor's Office for court action, and
- in the four other cases, six persons have been arrested and bailed out. Enquiry in these cases has been completed and the file has been submitted to the Director of Public Prosecutions.

**Ms Deerpalsing:** I apologise for the typing mistake on 2007 instead of 2008. I am sure the hon. Prime Minister knows that the Mauritius Radio Telescope was set up as an agreement - I think in 1990 – between the Government of India and Government of Mauritius, in which the MoU stipulates that the Government of Mauritius should make sure that the site is protected. May I ask the hon. Prime Minister whether he could kindly ask the Commissioner of Police to increase the Police protection that is given to the site?

**The Prime Minister:** The hon. Member is right. There is a MoU which was signed in 1992, if I am not mistaken, and the security firm to which the contract was given was Keep Pace Security Guard Ltd. This contract has been terminated with effect from 15 May 2008 and the UoM has set up a team of its own workers and guarding services, although the Police are also patrolling the area.

**Ms Deerpalsing:** Since we always talk about knowledge hub and scientific research, and given that the team of scientists have been set back for about ten years of hard work and millions of rupees of material loss, may I ask the hon. Prime Minister whether Government could extend any help in order for them to have this Radio Telescope working in good shape again?

**The Prime Minister:** The loss does not come down to millions of rupees. I think it comes down to Rs827,600. But this does not take into consideration the time lost - maybe if you add all this. Because there has been a lot of change in technology since then - 17 years ago - we are looking at putting in new technology there, Mr Speaker, Sir.

### **MBC – “PEPSI SEGA HUNGAMA” PROGRAMME – ALLEGED MISMANAGEMENT**

**(No. B/871) Mr G. Guinness (Third Member for Montagne Blanche & GRSE)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Pepsi Hungama programme, he will, for the benefit of the House, now obtain from the Mauritius Broadcasting Corporation, information as to the -

- (a) gifts received from the sponsors, indicating to whom they were distributed;
- (b) amount of money received from the -
  - (i) local authorities, and
  - (ii) sponsors, and
- (c) control mechanism that was set up in relation to the gifts and money received, if any.

**The Prime Minister:** Mr Speaker, Sir, as the House is aware, the organisation of the “Pepsi Sega Hungama” Programme by the MBC has been the subject of investigation by the Management Audit Bureau.

The hon. Member will surely recall that, in reply to Parliamentary Question No. B/481 on 26 May of this year, I informed the House that it was upon my personal initiative that the Management Audit Bureau had been requested to enquire into the alleged cases of mismanagement in the organisation of this programme.

In reply to subsequent Parliamentary Questions No. B/587 on 23 June 2009 and No. B/652 on 30 June of this year, I also informed the House that the Report of the Management Audit Bureau had been received and was being studied. I now wish to inform the House that, in the light of the findings, a copy of the report has also been given to the new Director-General of the MBC and, in the light of the findings, consideration will be given as to how we should proceed next.



**Mr Gunness:** Mr Speaker, Sir, up to now, the report has not been tabled, but the Director-General has got it. Is the hon. Prime Minister aware that the gifts were intended to the winners of the competition, and, up to now, these gifts have not been given to the winners, but, on the other hand, to handyman, sound balancer, producer and announcers because they were in the good books of one Mr A. M. who organised that particular programme?

**The Prime Minister:** That Mr A. M. will have to pay the consequences of his acts. I can tell you that when I say that consideration is being given on what we should do next, part of that consideration is to refer the matter to the Independent Commission Against Corruption.

**Mr Gunness:** We are not in possession of the report, but I am sure the hon. Prime Minister has the report and must have seen. Can I know from the hon. Prime Minister whether the gifts - I understand that it is so even for "Orange Sitara" - are now at the residence of that particular Mr A. M.?

**The Prime Minister:** I would hardly be able to say whether it is at the residence of Mr A. M., but it is really amazing how people do things like that. It is really amazing! How can you take gifts meant for others? But the investigation will show what happened, Mr Speaker, Sir.

**Mr Bhagwan:** Last time, the hon. Prime Minister gave us the assurance that this Mr A. M. will bear the consequences. Time is going on! Can we have assurance from the hon. Prime Minister again? We were made to understand that this Mr A. M. was out of the country, in China somewhere. Can he inform the House whether this Mr A. M. has resumed duty and whether he is not harassing other employees? If this is the case, I think it is very serious. Can we, again, have assurance from the hon. Prime Minister - as has been the case with the previous Director-General, where he has acted rapidly - whether he can take care of this Mr A. M. more rapidly?

**The Prime Minister:** In fact, I can assure the hon. Member that the reason why we have not acted yet is because we are looking at all the aspects. We just don't want to act on one person and not the other. I did say in my previous reply that we are looking at the composition of the Board as well and whether there should be changes there, because some remarks have been made in the report of the Management Audit Bureau.

**Mr Gunness:** Now that the hon. Prime Minister has already studied the report and has given a copy to the Director-General, can I ask him whether he is prepared to table a copy of that report?

**The Prime Minister:** There is no need to table a copy. I asked the report on my own initiative. It was an internal report, which we are looking at; which the other people concerned are looking at. As I said, we are really giving detailed consideration to what the report has said. We are considering referring the matter to the Independent Commission Against Corruption, and those who are found guilty - and I say that again for the hon. Member - they will have to pay the consequences.

**Mr Bhagwan:** Has the attention of the hon. Prime Minister been drawn, at least, while going through the report or from other sources, *qu'il y a toute une ramification*, that people, even

outside the MBC, in local authorities and other parastatal bodies, which were involved in the organisation of the “Pepsi Segs Hungama” programme, form part of that gang? Can the hon. Prime Minister inform the House whether, while putting order at the MBC, we should also take care of these, I would say, crooks?

**The Prime Minister:** I don’t know whether we could call them crooks, but whoever has got involved where they should not have got involved, would have to bear the consequences of their involvement.

**Mr Jhugroo:** Can I ask the hon. Prime Minister the total expenses incurred for the organisation of the last “Pepsi Segs Hungama” programme?

**The Prime Minister:** I think I did answer that question in the past, but I can give the figures to the hon. Member. For example, cash sponsorship was Rs4,663,522 and payment received as at 30 June was Rs2,706,655. I don’t know whether this is what the hon. Member is referring to.

**Mr Guinness:** In my question, there was the amount of money received from local authorities. I didn’t hear the hon. Prime Minister say anything about that. Can we now know how much each local authority, municipality and district council has given to the MBC for that particular programme?

**The Prime Minister:** Mr Speaker, Sir, this is a matter that is being investigated and that is why I did not give them. As soon as this is over, I will be able to give, although I know that local authorities, in fact, incurred expenditure as well for the construction, for example, of the podium, I understand, and for the provisions of refreshments of whoever came there.

#### **LA PLANTATION ALBION CLUB MED – INCIDENT - 27.01.08**

**(No. B/872) Mr G. Guinness (Third Member for Montagne Blanche & GRSE)** asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to an incident which occurred on 27 January 2008 at La Plantation Albion Club Med, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the -

- (a) complaint relates to sequestration, larceny and use of racist language by foreigners employed by the hotel;
- (b) accused parties -
  - (i) were arrested, detained and released on bail, and
  - (ii) are still in Mauritius, and
- (c) National Human Rights Commission and the Police Complaints Bureau are investigating into the matter.

*(Withdrawn)*

## ELECTRONIC VOTING SYSTEM & CODE OF CONDUCT

(No. B/873) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence and 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) code of conduct to govern the political parties and the candidates, and
- (b) the Electronic Voting System.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I invite the hon. Member to refer to the reply I gave to PQ B/257 at our sitting of 21 April 2009. I have been informed that, in the light of by-election in Constituency No. 8, the Electoral Supervisory Commission and the Electoral Commissioner are giving further consideration to the Code of Conduct and its application. I did say myself that I believe we should not have just a code; it has to have some action combined with it.

Regarding part (b) of the question, as the House is aware, the Sachs Commission on Constitutional and Electoral Reform has recommended, *inter alia*, the introduction of an Electronic Voting Machine. I intend to raise these issues with the Electoral Commissioner and take his views on board first, and then we will see how to proceed.

However, the House will be interested to know that some have questioned the reliability of the electronic voting machines and there is, at the moment, a backlash against the e-voting which is brewing in Europe. In fact, Mr Speaker, Sir, with your permission, I wish to table an article, which appeared in 'Newsweek', where the title is "We Do Not Trust Machines – The people reject electronic voting". It appeared in 'Newsweek' of 01 June 2009. It gives an idea of what people are saying.

We, therefore, need to exercise the greatest care and caution in having recourse to such a voting system. However, I must stress, Mr Speaker, Sir - because I did speak to the Electoral Commissioner - that the Indian electronic voting machine, which we have been considering, is completely different and, apparently, has stood the test of scrutiny during the recent elections in India. You will always get some people who lose elections and who will say this. But, in fact, it seems it stood the test. In fact, I am told that the Chief Electoral Commissioner, Mr N. Chawla, in India, has made a statement two weeks ago, and he pointed out that he will recommend for nomination for a Nobel Prize whoever can prove that the electronic voting machine in India is fallible.

**Mr Bhagwan:** I have taken note of the reply of the Prime Minister, but time is going on. Last time, the Prime Minister said that he would be discussing with the Electoral Commissioner and so on. There is some progress, at least, from what we have heard. Can we have a firm undertaking from the Prime Minister that, at least, we will have an amendment to the legislation for the next general election to cater for the setting up of this Code of Conduct with all the necessary legal provisions, that it will not be a *bouledogue sans dent* as he has just stated himself and what we have seen in the recent past.

**The Prime Minister:** In fact, I totally agree and I can tell the hon. Member that is what we are working towards.

**Mr Bérenger:** On the same question, we have been informed by the Prime Minister that the Electoral Commissioner and the Electoral Commission are reviewing the voluntary Code of Conduct that they produced on the occasion of the by-election in Constituency No. 8, but can I ask the Prime Minister whether, in principle, he agrees that whatever final version for the Code of Conduct the Electoral Commission produces will be given force of law, that is, will come before this House and will be included in electoral legislation.

**The Prime Minister:** Yes, in fact, that is what I have been saying since the beginning. I believe that the Code of Conduct, if it is just left like this, will not be effective; we need to give it force of law, and, in fact, we are looking at all the issues at the same time. So, all will come together.

**Mr Bodha:** May I ask the hon. Prime Minister whether he agrees that there is consensus among the different political parties on a certain number of things as regards the Code of Conduct? We had the by-election in Constituency No. 8; can we move on from there?

**The Prime Minister:** That is what we are doing, we are moving on, but we are waiting for the Electoral Commissioner, as I explained. He is re-looking at the Code of Conduct. I am going to talk to him once it is ready and then we will have discussions. I am sure it will have to come to Parliament. But it will have to be the next session; that might re-assure the hon. Member as well.

**Mr Jugnauth:** Would the hon. Prime Minister also consider having a Code of Conduct for elected Members of the National Assembly?

**The Prime Minister:** I am sorry; I did not quite catch the last part of the question.

**Mr Jugnauth:** A Code of Conduct for elected MPs.

**Mr Speaker:** With due respect, it does not fall within the purview of the question.

*(Interruptions)*

**Mr Jugnauth:** May I just say that since we are talking about candidates, we are also talking about those who are going to be elected and who are going to sit in the National Assembly, I am thinking more in terms of crossing the floor and things like that?

*(Interruptions)*

**Mr Speaker:** That is a totally different matter; it is not linked to this question.

**Mr Bérenger:** The hon. Prime Minister was trying to catch what I was telling my neighbour. I was not uneasy hearing the hon. Prime Minister with the best of intentions referring

to his contacts with the Electoral Commissioner and to work being done by the Electoral Commissioner. May I be allowed to suggest what dealings should be with the Electoral Commission? The Electoral Commissioner is a fantastic chap and if the Commonwealth could steal him from us, they would, but, in fact, it is the Electoral Commission that will come with a Code of Conduct advised by the Electoral Commissioner.

**The Prime Minister:** What I meant was that he says he is working on the Code of Conduct and then he is going to send it to me and then we will see what discussions we need to have.

**Mr Von-Mally:** Mr Speaker, Sir, in order to bring Rodrigues at par with the other constituencies in mainland Mauritius, may I ask the hon. Prime Minister whether he will arrange to have Rodrigues returned 3 MP's as the other constituencies?

**Mr Speaker:** I am sorry. That has to do with the Constitution of Mauritius.

**Mr Ganoo:** Can the hon. Prime Minister also see to it or make arrangements for the Commission to liaise with the different political parties so that we can also contribute in the drafting and finalisation of this Code of Conduct?

**The Prime Minister:** In fact, in any case, I think they will have to do that. I don't have to tell them. I think they know they have to do that.

**Mr Varma:** Could the hon. Prime Minister give assurance to the House whether at the next general election, we won't have, what we call, *base* and the use of plastics will be forbidden?

**The Prime Minister:** There is, I think, consensus on this; nobody wants this. In fact, I can tell the hon. Member that I was very surprised when I stood for elections in 1991. I did not know; I thought I was in Palestine and Israël with *base* all over the place.

**Mr Bhagwan:** Sir, although we have been participating in all the elections where we have the MBC, its role and so on, what I am asking the hon. Prime Minister is whether, in the course of his discussions with the Electoral Supervisor of the Electoral Commissioner's Office, the whole set up, as it is with the MBC/TV, the hours, time allocated to different parties and also whether it is not time to legislate as far as the private radios which are doing a fantastic job...

**Mr Speaker:** Can I interrupt?

*(Interruptions)*

Is the hon. Member asking questions as to the political broadcast by the MBC? Is that the gist of his question?

**Mr Bhagwan:** Mr Speaker, Sir, I am discussing the whole issue of mode of election. We are discussing the Code of Conduct. What I am asking the hon. Prime Minister is whether the

Electoral Supervisory Office or the Electoral Commissioner's Office will look into the whole aspect of the audio-visual section, the MBC/TV and also the radios in the course of the amendment.

**Mr Speaker:** No, the question relates to a Code of Conduct to govern the political parties and the candidates, not the MBC, I am sorry.

*(Interruptions)*

No, I have ruled. The hon. Member can come with a substantive question.

**Mr Bhagwan:** Would we have a Code of Conduct for others also?

**Mr Speaker:** No, the hon. Member should come with a substantive question!

### **ALCOHOL TESTS – JULY 2008-JULY 2009**

**(No. B/874) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to alcohol tests, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof carried out, since July 2008 to date, indicating the outcome thereof, in each case.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that since July 2008 to 16 July 2009, 2,023 persons were required by the Police to undergo alcohol tests, out of whom, 176 refused to comply thereof. It is to be pointed out that under section 123G of the Road Traffic Act, a person who refuses to undergo a breath test, commits an offence.

I am also informed that out of the 1,847 tests carried out, 994 were positive and 853 were negative.

The status of the 1,170 cases established is as follows -

- 127 cases have already been dealt with by court;
- 443 cases are pending court action;
- 26 cases have been classified;
- 5 cases have been sent to the DPP for advice, and
- 569 cases are still under enquiry.

**Mr Bodha:** May I ask the hon. Prime Minister whether some tests were carried out on school premises and whether minors were involved?

**The Prime Minister:** I thought the hon. Member's question was related to alcohol tests; that is why I answered it that way concerning road traffic, but the hon. Member means to say now in schools, I will pass this on to the Commissioner of Police.

**Mr Bodha:** May I ask another question, Mr Speaker, Sir? Can the hon. Prime Minister confirm that some tests were carried out in the morning and they were positive?

**The Prime Minister:** It is hardly surprising, if somebody has drunk a lot during the night, he will still be positive in the morning.

*(Interruptions)*

**Mr Lauthan:** Does the hon. Prime Minister have a breakdown of the confirmed positive cases? How many are men and how many are women and if any minors were driving under influence?

**The Prime Minister:** Minors driving under the influence? They have not classified whether they are men or women. We tend not to do that now. As you know, we think that men and women are equal, so we don't try to differentiate.

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Jhugroo:** From the figures mentioned by the hon. Prime Minister, can we know if police officers have been found positive in the alcotests while driving?

**The Prime Minister:** I know that in the past police officers had also been caught driving with a positive test.

**Mr Dowarkasing:** Mr Speaker, Sir, may I know from the hon. Prime Minister whether a study has been carried out to know the impact of these alcohol tests on the incidence of road accidents.

**The Prime Minister:** It is well-known that if you are drunk and driving, you are more likely to have an accident, depending on what is the level. We have not carried out scientist evidence here as far as I know, but this has been carried out in different countries and human beings react the same way, and it depends on the level of alcohol. It is well-known. For example, they have done a test in the UK and people had to drive through the bollards. Once they had even two drinks, they were hitting the bollards left, right and centre.

**Mr Speaker:** I will allow the lady a last question!

**Mrs Grenade:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether the equipment being used for these alcotests is the same one being used during the whole day or is it being changed?

**The Prime Minister:** No, as far as I know, Mr Speaker, Sir, they are called nephelometers and they are hand-held alcohol measuring instruments. There are seven of those and they are of three different makes.

**MBC – ENGLISH PREMIER LEAGUE FOOTBALL MATCHES –  
LIVE BROADCAST**

(No. B/875) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the forthcoming English Premier League football matches, he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to the arrangements made for their live broadcast on the MBC television channels indicating –

- (a) the number thereof that will be transmitted live, and
- (b) if the matches to be played by the Manchester United, Arsenal, Chelsea and Liverpool clubs will be broadcast live.

**The Prime Minister:** Mr Speaker, Sir, in reply to PQ B/1023 on 06 November 2007 and PQ B/789 on 08 July 2008, I have explained to the House the difficulties many public broadcasters, including the MBC, are facing to acquire and broadcast live football matches of the English Premier League. I am informed by the Director-General of the MBC that this situation, which has been prevailing for the last two years, has not changed.

This year also, the MBC will not be able to provide live transmission of matches of the English Premier League featured in Category A and Category B.

Category A is a full package with a minimum of three live matches per weekend, including those played between the “Big Four Teams”, that is, Manchester United, Arsenal, Chelsea and Liverpool clubs.

Category B is a package of 38 live matches and access to one “big match” on Sundays, if available.

The Director-General has indicated that, in spite of all efforts, the Corporation has only been able to acquire rights to broadcast the Free-to-Air Category C package which comprises a minimum of 33 live matches, that is, one live match of the English Premier League per weekend, including those played by the “Big Four Teams” against other teams.

Mr Speaker, Sir, the Director-General has given me the assurance that the MBC will continue to explore all other possible avenues for the live broadcast of additional matches of the English Premier League, including those played by the “Big Four Teams”. In the meantime, the Corporation has already finalised arrangements for the live broadcast on the MBC Television Channels of the following major sports events for the season 2009-2010 -

- 72 matches from the first round up to the final of the FA Cup;
- 35 matches from the first phase up to the final of the UEFA Champions League;
- 25 matches from the first phase up to the final of the EUROPA League;
- All 64 matches with daily highlights of 52 minutes duration each of the 2010 FIFA World Cup to be held for the first time in South Africa, and



- 30 matches from the first phase up to the final of the African Football Confederation Champions League.

**Mr Bhagwan:** Mr Speaker, Sir, the Prime Minister will agree with us that it is most frustrating for Mauritians who are fans of these soccer teams and who cannot afford to pay the Canal Satellite or the Canal +. While many of these people who can afford to watch the live matches of these big four teams, the poor population is being forced to see the *Bundesliga*. We all have now to learn German language to be able to watch the matches from Germany. Does the Prime Minister agree with us that it is very essential for the MBC/TV to negotiate with the necessary organisation; billions are being spent and lost in “Pepsi Sega Hungama” programme.

**Mr Speaker:** No, I am sorry. The hon. Member has made his point. I would now ask him to put the question as to whether the MBC will explore the possibility, etc.!

**The Prime Minister:** This is what I said precisely earlier. It is a question of cost and they don't want to make contracts. It is not just the MBC; many countries are having this problem.

**Mr Bhagwan:** Mr Speaker, Sir, the previous Director-General made statements concerning 800 matches and gave hope to the population following my Parliamentary Question last time. Can the hon. Prime Minister, at least, have a look at that reply and let the House know with which organisation the MBC/TV has negotiated for the live transmission?

**The Prime Minister:** I can say that the MBC has signed a contract with OSMI Limited for the sum of €115,000 to obtain for this category C that I have mentioned.

**Mr Dowarkasing:** Mr Speaker, Sir, may I know from the hon. Prime Minister if he can give an indication about the different packages that he has stated in terms of financial implications? What is the cost of package A, package B and package C?

**The Prime Minister:** Very often, they negotiate those packages because they are of different groups. They do not give you all the details and that is the problem.

**Mr Speaker:** Last question, hon. Bhagwan!

**Mr Bhagwan:** Last time, I made a suggestion to Government to find ways and means through the Ministry of Finance to finance the installation of these Parabole or Canal+ in social centres to enable poor people to watch these live matches of the big four teams. Somebody replied in the affirmative, but it never occurred? Can the hon. Prime Minister, at least, see to it that this suggestion is studied?

**The Prime Minister:** I think that is a good idea. I will take it up with the Ministry of Finance.

**Mr Speaker:** Time is over! Questions addressed to hon. Ministers! The Table has been advised that PQ B/890 has been withdrawn. Hon. Jhugroo!

**MONETARY POLICY COMMITTEE – PERSONAL OR  
BUSINESS-RELATED CONFLICT**

(No. B/890) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Monetary Policy Committee, he will state if the members thereof are required to fully disclose any personal or business-related conflict of interest by virtue of being a member thereof.

*(Withdrawn)*

**STC – BOARD DIRECTORS – OVERSEAS MISSIONS**

(No. B/891) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the overseas missions undertaken by the Directors of the Board of the State Trading Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the number thereof, since their respective appointment to date, indicating in each case the –

- (a) countries visited and the duration thereof,
- (b) purpose of each mission, and
- (c) amount of money spent in terms of air tickets, *per diem* and other allowances.

**Mr Gowressoo:** Mr Speaker, Sir, in regard to the overseas missions undertaken by the Directors of the Board of the State Trading Corporation, I am tabling the information.

**Mr Gunness:** Mr Speaker, Sir, can I know from the hon. Minister whether, from the list he is submitting, the mission undertaken by the Director-General is in his capacity as the Director-General of the State Trading Corporation?

**Mr Gowressoo:** No, Mr Speaker, Sir. The question relates to the Directors of the Board of the State Trading Corporation.

**FINANCIAL OFFSHORE, HOTEL AND TEXTILE SECTORS –  
EXPATRIATES - EMPLOYMENT**

(No. B/892) **Mr G. Guinness (Third Member for Montagne Blanche & GRSE)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the expatriates, he will state the number thereof employed in the –

- (a) financial offshore sector;
- (b) hotel industry, indicating their respective posts and salaries drawn,  
and
- (c) textile sector.

**Mr Chaumière:** Mr Speaker, Sir, I am informed that as at 15 July 2009, there were 105 expatriates employed in the financial sector, 1077 in the hotel industry and 22,391 in the textile sector, holding either valid work permits or valid occupation permits.

In the hotel sector, the expatriates holding valid work permits are employed in posts ranging from cooks to managers. As for the financial sector, they are mostly employed at managerial level. The detailed information called for with regard to posts held will be compiled and tabled in due course.

As regards the salaries drawn by the expatriates, I wish to inform the House that for professionals and managerial posts, salaries are normally above Rs30,000 monthly which, in principle, render them eligible for an occupation permit. I am informed that expatriates granted an occupation permit by the Passport and Immigration office are not required to submit copy of their contract of employment. Where applications for work permits are made to my Ministry for such category of workers, the submission of the contract of employment is also not required.

For expatriate workers earning salary below Rs30,000 monthly and who require, therefore, a work permit, my Ministry ensures that these workers are not paid less than the rates prescribed in the relevant Remuneration Orders for such occupations. For these workers, it is required that a copy of the contract of employment be submitted to my Ministry for vetting before an application for a work permit is made.

It would not be possible for my Ministry, therefore, to provide information on the salary being paid to each and every expatriate working in Mauritius in the three sectors mentioned.

**Mr Guinness:** Mr Speaker, Sir, the hon. Minister will agree with me that there are 1,077 expatriates in the hotel industry. Has the Ministry carried out a survey because it seems that there are fields in which Mauritians can do the job better than these expatriates? So, why is it that these people are allowed to take work like cook, receptionist, etc., when Mauritians can do the job?

**Mr Chaumière:** Mr Speaker, Sir, there are very stringent criteria which those people have to comply with to be able to work in Mauritius. For example, one very important condition

relates to the fact that expatriate workers are allowed only in scarcity areas, Mr Speaker, Sir. It is not only cook, it has to be executive cook mainly, Mr Speaker, Sir.

**Mr Guinness:** Mr Speaker, Sir, we know in some cases how Mauritians are executive cooks and they are then downgraded so as to bring foreigners here. We know that. In the case of the textile sector, can I know from the Minister the reason why the Bangladeshi expatriates will no longer be allowed and are asked to leave?

**Mr Chaumière:** Mr Speaker, Sir, I would ask the hon. Member to come with a substantive question.

**Mr Bhagwan:** Would the hon. Minister be surprised to learn or has he been made aware that foreign workers who are in the grades are paid as *jardiniers*? We have a lot of people, experts who have been working in the sugar estates and who are recruited in the hotel industry to *planter l'herbe, planter gazon* or even looking after the flowers. Don't we have *jardiniers* in Mauritius? Would the Minister go and see in the files whether these permits have been granted?

**Mr Chaumière:** I need to check the information.

**Mr Speaker:** Last question!

**Mr Guinness:** Can I come, again, with this question of Bangladeshi expatriates? The hon. Minister cannot inform the House because....

**Mr Speaker:** Sorry, the hon. Member cannot question the Minister. He has asked him to come with a substantive question.

**Mrs Hanoomanjee:** Mr Speaker, Sir, I know that in the past the Minister of Labour used to ask that these posts, occupied by the expatriates, be advertised in the local press first and when we do not get these people, it is only then that we can bring in the expatriates. Can the Minister say whether this procedure is still being followed?

**Mr Chaumière:** This is still the practice which is being followed, Mr Speaker, Sir.

#### **BOI (INDIA) - OFFICER-IN-CHARGE – TERMS & CONDITIONS OF EMPLOYMENT**

(No. B/893) **Mr G. Guinness (Third Member for Montagne Blanche & GRSE)** asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the office of the Board of Investment in India, he will, for the benefit of the House, obtain from the Board, information as to the –

- (a) name of its officer-in-charge, indicating his terms and conditions of employment, including allowances and other fringe benefits drawn;
- (b) running cost thereof, and
- (c) the achievements, if any, as at to date.

**The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen):** Mr Speaker, Sir, as the House is already aware, Mr Rajendra Tagore Servansingh is the Officer-in-charge of the Overseas Representation of the Board of Investment in Mumbai. He is employed on a 3-year contract basis as Director with effect from 14 October 2006. The terms and conditions of his contract of employment are being tabled. I, however, wish to point out that for him to take up the position of Officer-in-Charge of BOI Mumbai Office, the incumbent resigned from a permanent and pensionable post that he was occupying at the MCCI with an attractive package.

As regards part (b) of the question, I am informed by the BOI that the total running expenses, inclusive of salaries and compensation of all employees of the Mumbai Office amounted to Rs6.9 m. for the FY 2007-08 and Rs7.3 m. for the FY 2008-09.

Insofar as part (c) of the question is concerned, I am informed that the Mumbai Office has channelled over Rs100 m. worth of realised investment for the last two years.

In addition, the BOI Mumbai Office, through its representative, has also played a key role to enhance the visibility of Mauritius as an investment destination through participation in conferences and investor meetings in India. The Office has also prepared and coordinated investment-related Ministerial visits to India with a view to promoting investment from India to Mauritius. The Office has also generated four committed projects for an investment value of around Rs2 billion and 14 leads in the manufacturing, telecommunications, BPO, financial services, education and health sectors. BOI Head Office is presently following up these leads to ensure their realisation.

I am further informed that the BOI has carried out an objective assessment of the achievements made by its overseas representation in general and it considers that the same resources meant for running the two overseas offices (one in Paris and the other one in Mumbai) can be used more judiciously through targeted and well-structured promotional campaigns from Mauritius, with an outreach well beyond these two jurisdictions.

The Board, at its last meeting, has consequently decided to close down these two offices and use our overseas diplomatic representation to promote Mauritius as an investment destination in conjunction with an Advisory Centre with dedicated investment advisors at the BOI's Head Office itself. This decision is in line with Government's strategy announced in this year's Budget to reduce costs and make optimum use of overseas representation.

**Mr Gunness:** Mr Speaker, Sir, I heard the hon. Minister giving the *bilan* of Rs100 m. for investment, Rs2 billion for projects and now, on the other hand, mention is made that the Office will be closed down. Therefore, there is a sort of contradiction here, when we see the Office in UNESCO which needs to be closed down, is not being closed down and the Office which is supposedly bringing results is now being closed down and, according to the Minister, the Office is bringing results. So, why is it being closed down?

**Dr. Sithanen:** It is a different strategy, Mr Speaker, Sir. A lot of work has been done to enhance the visibility and to promote the image of Mauritius as an investment destination, but we

have to optimise the resources. There are call centres now which are very effective. Part of the work that used to be done by officers in Paris or in Bombay can be done through an effective call centre operation where as soon as potential investors ring from that place they are automatically transferred to BOI Investment Office in Mauritius. In addition to that, we will use the facilities that are available at our Embassies abroad. Last but not least, the BOI will also be appointing experts in some of these places who will continue the work that was done so as to optimise resources.

**Mr Bhagwan:** Can the hon. Vice-Prime Minister inform the House that the very rare bird has already been rewarded somewhere else?

**Dr. Sithanen:** No, he is a competent officer and he has been offered another job. Of course, he has done very well in India.

*(Interruptions)*

**Mr Gunness:** Can I know from the hon. Minister whether the services of Mr Servansingh will still be used by the BOI and, if yes, where will he be posted now?

**Dr. Sithanen:** I thought you heard the reply of your hon. friend, hon. Bhagwan.

#### **SIR HARILAL VAGHJEE – DEATH COMMEMORATION**

**(No. B/894) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Education, Culture and Human Resources whether, in regard to Sir Harilal Vaghjee, he will state if Government will consider erecting a bust in the yard of the Government House, to pay tribute to him as the first Mauritian Speaker, on the commemoration of his 30<sup>th</sup> death anniversary.

**Dr. Bunwaree:** Mr Speaker, Sir, Government fully recognises the valuable contribution of all Mauritian personalities who have marked the history of Mauritius in an indelible way. My Ministry is currently working on a project to honour such personalities.

As a matter of principle, the families of the personalities concerned are first consulted and, if they are agreeable, my Ministry starts the process with the approval of Government.

Sir Harilal Vaghjee is certainly one of those personalities worthy of being honoured. It is precisely to pay tribute to him that the hall at the New Government Centre situated in the compound housing our Parliament has been named Sir Harilal Vaghjee Hall. Should the family be agreeable to have his bust erected, Government will be too glad to undertake the project. Discussions have started with them.

**Mr Bérenger:** The hon. Minister has made reference to a project, in general, for illustrious Mauritians and so on. Is the hon. Minister aware that, for example, in the lobby of the Lok Sabha in India are present paintings or busts of parliamentarians and, therefore, in the case of Sir Harilal Vaghjee, this should be considered as - because he was the first Speaker?

Therefore, can I request the hon. Minister to delink these things and to look into the possibility of us having eminent parliamentarians of the past present somewhere in the compound?

**Dr. Bunwaree:** Mr Speaker, Sir, I must say that for Sir Harilal Vaghjee, there has been some sort of confusion in the minds of certain people because when we looked into the problem - not now, but since some time - we were left under the impression that he himself did not want these types of things, but we have been speaking to the family and we believe that for the erection of the bust, it will be ongoing. We will take on board what the hon. Leader of the Opposition has said.

**Mr Speaker:** Bear in mind that the Leader of the Opposition has said it should be an eminent parliamentarian! The hon. Minister has to bear this in mind!

**Mr Bhagwan:** I thank the hon. Minister. I know for sure that the family would be most agreeable. Can I appeal to the hon. Minister - this year is a very special year; it is the 30<sup>th</sup> death anniversary - that if the family is agreeable, which I think so, everything will be done to expedite matters before the end of this current year?

**Dr. Bunwaree:** We are going in that direction.

**Mr Bhagwan:** I had a visit this morning to the Sir Harilal Vaghjee Hall, Sir, and I'll invite all the parliamentarians to do so. Can I state to the hon. Minister, who is responsible for the buildings, that there is no name? Nobody knows whether it is Sir Harilal Vaghjee Hall; there is no photo; the hall itself has been converted into more than a kitchen. I have been there this morning. Can I appeal to Government to have, at least, a fresh look, to have a signboard and a photo of late Sir Harilal Vaghjee in the hall?

**Dr. Bunwaree:** Yes, Mr Speaker, Sir.

## FISCAL RESPONSIBILITY BILL - INTRODUCTION

(No. B/895) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment 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.

**The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen):** Mr Speaker, Sir, the aims of a Fiscal Responsibility Law are -

- (i) to improve fiscal discipline and enhance accountability by requiring a Government, i.e., Ministries, Departments, Local Authorities and other public sector bodies to declare and commit to a monitorable policy and strategy, and

- (ii) to make fiscal decisions more predictable and credible by establishing rules and procedures these bodies must follow and by setting up transparent mechanisms by which others can judge if they are complying with the set goals and priorities.

These are precisely the underlying objectives of the vast reforms that we have initiated and have been implementing in the budget area covering taxation, expenditure and public debt since we took office. However, instead of coming up with one unique all comprehensive fiscal responsibility law, we have been proceeding in steps, amending existing laws and coming up with new specific laws.

In the area of taxation, we have done away, Mr Speaker, Sir, with a complex system of high rates with a vast array of duty and tax deductions and exemptions, many of which were discretionary and moved to a rules-based, simplified and transparent system. Indeed, in a bold move to uphold principles of fiscal responsibility and accountability, we have legislated three years ago to remove the Minister of Finance's discretionary powers of remission that existed for long under several tax laws, including the Customs Tariff Act, the Excise Act, the Registration Duty Act and the Land (Duties and Taxes) Act so that any derogation or exemption deemed necessary is now provided by way of law.

Last year, we introduced a new law on public debt namely the Public Debt Management Act that sets a statutory numerical limit on public sector debt levels to the extent of 60% of GDP. This is, in fact, an example of a "Codification of Fiscal Rule" and it requires that public debt to GDP to be on a downward track to reach 50% of GDP by end December 2013. Moreover, debt information is required to be updated regularly and a quarterly report of actual debt stock be made public.

On the expenditure side, we have also brought major amendments last year to the Finance and Audit Act to introduce Programme-Based Budget (PBB) system embedded in a Medium-Term Expenditure Framework (MTEF) as from last July. Estimates of expenditure are now based on programmes and sub programmes on a 3-year rolling basis, specifying the resources to be allocated and the services and outputs to be delivered.

In fact, Mr Speaker, Sir, the Act makes it an obligation for each Ministry to specify its strategy and policy, the services to be delivered to outside stakeholders and indicators of performance and results for the years. It also provides for enhanced reporting requirements on achievement of those indicators and targets. The Act also makes provision for the Director of Audit to carry performance auditing. In this regard, training of staff has been conducted with the assistance of the UK Audit Department.

In April this year, through the Additional Stimulus Package (Miscellaneous Provisions) Act, we have brought appropriate amendments to the Rodrigues Regional Assembly Act, the Local Government Act and the Statutory Bodies (Accounts and Audit) Act for extending the Performance-Based Budget framework and system to the RRA in 2010 and to Local Authorities and Statutory Bodies as from year 2011.



Application of the amended Finance and Audit Act as well as of the PBB has been accompanied by concrete provisions for enhancing accountability and responsibility in Government administration. Thus, there is legal provision enabling a responsible officer to refer an officer to appropriate instances for disciplinary action, in case of non-compliance with instructions. Moreover, in the 2009 Performance-Based Budget just approved, one key output for every Accounting Officer is that the Ministry achieves economy, efficiency and effectiveness in the employment of public funds and the associated performance indicator is that, at least, 90% of the issues raised by the Director of Audit are dealt with and corrective measures are taken to avoid their recurrence.

In short, Mr Speaker, Sir, Government has been, *de facto*, putting in place a fiscal responsibility framework, gradually but actively. And we will pursue on this path, strengthening first the fiscal institutional framework, in particular the budgeting and Public Financial Management (PFM) systems, to firmly pave the way for even higher standards of transparency and accountability rather than rush to introduce new legislation.

**Mr Bhagwan:** I have listened to this long statement from my good friend, the Minister, but what is happening in Mauritius these days? What do we see at the NTA, at the STC where consumers are paying for mismanagement - Rs3 per litre? What has been happening at the MBC/TV? This is the financial responsibility of those Heads, Chief Executives and Chairpersons of these big institutions. How does the Minister reconcile the actions initiated by him and the result we have obtained? The population is paying for all these gross mismanagements of the financial affairs of the country.

**Dr. Sithanen:** I think my hon. friend is trying not to make the distinction between fiscal responsibility and how resources are being used by parastatal bodies. Mr Speaker, Sir, in fact, I have said in my reply that we have started with Government and now we are extending it to parastatal bodies, to Local Authorities and also to RRA; then we are going to assign specific targets and objectives to these companies. The idea of a Fiscal Responsibility Act, Mr Speaker, Sir, is to agree over time on what should be the deficit of the budget as a percentage of GDP. This is basically what many countries have done, Sir. I thought the hon. Member was speaking about this as opposed to the utilisation of resources given to parastatal bodies.

**Mr Speaker:** We will continue with the Parliamentary Question after lunch. I suspend for one and a half hours.

*At 12.58 p.m. the sitting was suspended.*

*On resuming at 2.30 p.m. with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** There were some supplementary questions, I understand.

**Mr Bhagwan:** Although we know what fiscal responsibility means by itself, the people of Mauritius, the taxpayers, those who are watching daily the dilapidation of funds in the different parastatal bodies, the nation, want to know what concrete action does Government, through the Minister of Finance, intend to take so that we don't have a repetition of what we are

hearing everyday about the different financial problems in the parastatal bodies, the public companies and, as I stated earlier, NTC, MBC/TV and State Trading Corporation.

**Dr. Sithanen:** Mr Deputy Speaker, Sir, as I indicated, there are two components. The first one - what the hon. Member is talking about - is a combination of transparency and accountability, and the second one is in terms of numerical targets, which most people speak of when they discuss fiscal responsibility. We are doing our best with respect to the first one. There is more transparency and more accountability in the system now. We have started it in Government and we will broaden its scope so that it takes into account parastatal bodies, local government and also Rodrigues, with respect to both accountability and transparency.

**Mr Bhagwan:** Is it not time for the Ministry of Finance, at least, to have a sort of code of conduct for all these persons who are at the head of these institutions as far as their responsibility with regard to fiscal matters is concerned?

**Dr. Sithanen:** Mr Deputy Speaker, Sir, I think we need to do a combination of both systemic improvement and also give more responsibility to people who are at the head of these institutions. We are working on system and we are also trying to take on board the recommendations made by the Director of Audit and the PAC, and the findings and recommendations of the Audit Committees that we have put in various departments of Government.

#### **SUGAR SECTOR REFORM – MAURITIUS SUGAR PRODUCERS’ ASSOCIATION – LAND TRANSFER**

**(No. B/896) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix)** asked the Minister of Agro Industry, Food Production and Security whether, in regard to the sugar sector reform, he will state where matters stand as to the 2000 *arpents* of land to be granted to the State by the Mauritius Sugar Producers’ Association.

**The Minister of Health & Quality of Life (Dr. R. Jeetah):** With your permission, Mr Deputy Speaker, Sir, I shall reply to PQ No. B/896.

In line with the spirit of democratisation of the economy and through the personal contribution of the hon. Prime Minister, as at date, some 433 *arpents* of land have been identified for transfer to Government, out of which 267 *arpents* would be allocated for agricultural diversification and 166 *arpents* for social housing programmes.

Regarding land for agricultural purposes, the Ministry of Agro Industry, Food Production & Security is assessing the project proposals received and, once this exercise would be completed, procedures would be initiated for the release of land by the Mauritius Sugar Producers’ Association.

In regard to land for Social Housing Programmes, I am informed that the Ministry of Housing & Lands has already identified 166 *arpents* of land across the island. Technicians of

that Ministry are finalising social housing project proposals. Once these are approved by Government, the identified plots of land will be transferred to the State in a programmed manner.

The lands, which are under cane, have already been surveyed by the technical teams of the Ministry of Agro Industry, Food Production & Security and the Ministry of Housing & Lands. These lands will be released as and when the harvest is completed.

**Mr Soodhun:** Mr Deputy Speaker, Sir, as mentioned in my question, there are 2,000 *arpents*, but the Minister has answered that there are only 460 *arpents*. I would like to know from the hon. Minister what is happening to the remaining land out of the 2,000 *arpents*. I would also like to know from the hon. Minister whether agricultural land has been identified. If, yes, in which region is it situated?

**Dr. Jeetah:** With regard to the first part of the question, Mr Deputy Speaker, Sir, I understand that this is an ongoing process, whereby there are discussions between the Ministry of Agro Industry, Food Production & Security and MSPA, depending on projects and so on. With regard to where the land is available, I have a list here and I can circulate it. I can quickly just give an indication. In Belle Vue, for example, there are 50 acres for the plantation of potatoes; Mon Désert Alma, 50 acres for Bras d'Eau; Beau Champ, 25 acres for potatoes and so on.

**Mr Soodhun:** The Minister just mentioned that he has the list with him. Can he circulate it?

**Dr. Jeetah:** Yes. I don't have any problem, I can circulate it.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, can the hon. Minister say whether there has been a proper schedule prepared as to when Government will obtain the 2,000 *arpents* and, till then, what is the exact plan of work of the Ministry of Agriculture or other Ministries involved?

**Dr. Jeetah:** As I mentioned, Mr Deputy Speaker, Sir, insofar as these two plots of 267 *arpents* and 166 *arpents* are concerned, it is well on the way, but I don't have any further information. The hon. Member should ask the substantive Minister, who can maybe enlighten her further.

#### **PAMPLEMOUSSES/RIVIERE DU REMPART DISTRICT COUNCIL - STREET LIGHTING - COMPACT FLUORESCENT LAMPS**

**(No. B/897) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Minister of Local Government, Rodrigues and Outer Islands whether he will, for the benefit of the House, obtain from the Pamplemousses/Rivière du Rempart District Council, information as to if it has embarked on a project for the replacement of the Sodium Vapour lamps by Compact Fluorescent lamps on its street lighting network, and, if so, –

- (a) if prior expert advice was sought and obtained before embarking on such a project, and

(b) the number of lamps that have been replaced.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed by the Pamplermouses/Rivière du Rempart District Council that it has, in fact, embarked on a project for the replacement of Sodium High Pressure Vapour lamps by Compact Fluorescent lamps (CFL) on its street lighting network.

I am informed that no prior expert advice was sought, but a trial pilot test was carried out in the village of Mapou between October 2006 and October 2007, whereby 211 lamps were replaced and which had reduced the electricity load to 58% and generated savings to the tune of Rs301,593.

Since 2006 to date, 10,105 Sodium High Pressure Vapour lamps have been replaced by CFL, which were purchased following a tender exercise. This has generated savings to approximately Rs1 m. per month.

**Mr Lesjongard:** May I ask the hon. Minister whether those Sodium Vapour lamps are covered by an international protection rating and which one, and whether the enclosure of those street lanterns can be tampered with?

**Dr. David:** I'll check the second part of the question, Mr Deputy Speaker, Sir. For the first part of the question, as I said, there was a pilot project and the main objective was savings. In fact, a lot of savings were made. Secondly, there has been a committee chaired by the Ministry of Renewable Energy and there have been recommendations to the effect that for period 2009/2025, there will be a change from the sodium lamp to the CFL in a more rational way.

**Mr Lesjongard:** From the reply of the hon. Minister, I understand that Government wants to save money, but I believe that it should not be at the risk of people's lives. Will the hon. Minister agree that the enclosure I have mentioned protects not only the equipment, but also a person from potential hazard, that is, hazard of electrocution? Isn't it exposing people's lives when the District Council is just tampering with the enclosure by replacing the Sodium Vapour lamps by Compact Fluorescent lamps?

**Dr. David:** If the hon. Member is asking about the technical aspect, Mr Deputy Speaker, Sir, I won't be able to answer, but I am informed that this was done together with the CEB.

#### **TROU AUX BICHES - GILL NET LICENCE**

**(No. B/898) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Minister of Agro Industry, Food Production and Security whether he will state if his Ministry has recently approved the request for the issue of a gill net licence to operate in the region of Trou aux Biches.

**The Minister of Health & Quality of Life (Dr. R. Jeetah):** With your permission, Mr Deputy Speaker, Sir, I'll answer this question. The answer is in the negative.

## AFRICAN UNION SUMMIT, LIBYA – MADAGASCAR

### – PEACE AND SECURITY ISSUE

(No. B/899) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether he will state if the issue of Madagascar has been discussed during the last African Union Summit held in Libya and, if so, the decisions that have been reached.

**Dr. Boolell:** Mr Deputy Speaker, Sir, the issue of peace and security in Madagascar was on the agenda of the 13<sup>th</sup> Assembly of Heads of States and Governments held in Sirte, Libya from 01 to 03 July 2009.

The Assembly expressed its concern at the lack of progress in restoring constitutional legality in Madagascar and supported initiatives for a way out of the crisis, as spelt out by the International Contact Group on Madagascar which met in Addis Ababa on 30 April 2009.

The Assembly also encouraged the Chairperson of the Commission to extend his full co-operation to efforts aimed at a return to constitutional order, in close consultation with Southern Africa Development Community (SADC), as well as the United Nations, the *Organisation Internationale de la Francophonie* (OIF) and the European Union.

The appointment of the former President Joaquim Chissano as Special Envoy of SADC for Madagascar was further welcomed at the Assembly of Heads of States and Governments in Sirte, Libya.

The Assembly also looked forward to the outcome of the meeting of the Contact Group on Madagascar which is scheduled for this week to review the situation and mobilise further support for the efforts aimed at ensuring a speedy return to constitutional order.

Mr Deputy Speaker, Sir, I wish to inform the House that the Mauritius delegation which was led by Dr. the hon. Deputy Prime Minister participated in the deliberations on peace and security in Madagascar and indicated its willingness to extend its support to the dialogue process given our proximity and relations with “*La Grande Ile*”.

It is, in fact, in the best interest of all the countries in the region that a durable solution is found to resolve the political impasse, taking into consideration the social, finance and business relations that exist between Mauritius and Madagascar.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, the hon. Minister stated in his reply that the African Union has noted that there is a lack of progress. So, doesn't he think that it is high time for a concerted action, because each organisation involved is having a different field of action, SADC is having one, the United Nations is having another one and the *Francophonie* is having its own way?

**Dr. Boolell:** I thank the hon. Member for putting that question. In fact, there is a concerted action group and the meeting took place on 30 April in Addis Ababa. In addition to AU, those who were in attendance were: the representatives of the COMESA, the European Union, the Indian Ocean Commission, the *Organisation Internationale de la Francophonie*, SADC represented by hon. Minister Dlamini, Minister of Foreign Affairs and Trade of the kingdom of Swaziland, Chairperson of the SADC Ministerial Committee of SADC organ on Politics, Defence and Security Council and Security Corporation, United Nations, a representative of the current chair of the African Authority and special envoy of the Chairperson of the Union, Burundi on behalf of the AU Permanent Security Council and African Members and permanent Members of the UN Security Council. They all participated in the meeting. Of course, the object was to ensure that there is proper coordination, that they coordinate the efforts of the international community to promote the rapid return to Constitutional Order in Madagascar.

**Mr Bodha:** I wish to come back to what my colleague said, Mr Deputy Speaker, Sir. May I ask the hon. Minister whether he is aware of the latest SADC initiative headed by former President Chissano where the initiative is to be able to put around on the same table the four last Presidents and the fact is also that a venue was mentioned, Angola? How does Mauritius relate to that initiative?

**Dr. Boolell:** First of all, President Chissano was in the Republic of the Malagasy from 12 July to 19 July. He convened a meeting with all the parties concerned. The object, of course, was to make sure that there is inclusive dialogue and that the ownership belongs to the people of the Malagasy Republic, hence the relevance of meeting with all the stakeholders, representatives of the different *mouvance*, representatives of civil societies, the army, etc. Following which they are going to convene a meeting in Addis Ababa and then they will decide on the venue. Of course, we have appealed to them and we have impressed upon them that the ideal location to host the ongoing political dialogue would be Mauritius. We have the support of countries like Ethiopia and Tanzania. Now, the only Minister who was a bit reluctant initially was the Minister of Foreign Affairs from South Africa and I had to impress upon her that notwithstanding our geographical proximity, we have a lot in common with our brothers and sisters from the Malagasy Republic and Mauritius would be the ideal venue to host the political dialogue.

**Mr Dowarkasing:** In the light of the answer given by the hon. Minister, is it possible to propose to the AU that the next meeting of the Contact Group be held in Mauritius? Could that be envisaged?

**Dr. Boolell:** We will leave it to the AU to decide, or let's say that if the process is being moved, there will be a meeting of all the stakeholders in Addis Ababa and we hope that the venue would be identified and Mauritius would be that venue. Having said so, I am sure all Members of the International Contact Group do realise the relevance of the return to Constitutional Order in the Malagasy Republic. In fact, there is information that representative of the *Haute Autorité de Transition* is willing to hold elections in December. The object, of course, is to make sure that they all comply with the Charter *de Transition*, hence the relevance of deepening the democratic institutions in Malagasy Republic.

## HOSPITALS - SURGICAL OPERATIONS – OVERTIME

(No. B/900) Dr. P. Ramloll (Third Member for Quartier Militaire & Moka) asked the Minister of Health & Quality of Life whether, in regard to surgical operations carried out in the hospitals, he will state the number thereof in each field of speciality, following the PRB Report, indicating -

(a) the number carried out during;

(i) normal working hours, and

(ii) after working hours;

(b) the amount of overtime paid to the specialists in connection therewith, and

(c) if private specialists have been involved in these operations, indicating the amount of fees paid.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, with a view to improve service to our patients, we have recently started a waiting list initiative. The objective behind this initiative is to reduce the waiting list and waiting time for surgeries.

In certain specific fields and in certain hospitals, in particular, the waiting list was unsatisfactory. This has been particularly the case for General Surgery at Victoria Hospital, Ophthalmology Surgery at S. Bharati Eye Hospital and surgery for Arterio Venous Fistula (AVF) in our regional hospitals.

To address this issue, arrangements have been made for Consultants and Specialists to perform extra sessions after working hours. These sessions are carried out between 1600 and 2200 hours during weekends, between 1200 and 1600 hours on Saturdays and from 0900 to 1300 hours on Sundays.

These sessions have considerably decreased the waiting list from 1,228 cases for General Surgery at Victoria Hospital as at December 2008 to around 503 cases now. For Ophthalmology, this has led to a reduction from 3,261 cases as at January 2008 to 1,357 cases presently.

Mr Deputy Speaker, Sir, with your permission, I am tabling the reply to parts (a) (i) and (ii) of the question.

As regards part (b) of the question, I am informed that the Consultants and Specialists are paid on call/in attendance allowances for emergency surgical operations in accordance with the 2008 PRB Report. These Consultants and Specialists conducting extra surgery sessions of three hours' duration each are paid an *ad hoc* allowance of Rs1500 per hour. The information relating

to the amount paid for the extra sessions for the period July 2008 to June 2009 is being compiled and will be laid in the library of the National Assembly.

Regarding part (c) of the question, the answer is in the negative.

**Dr. Ramloll:** I thank the hon. Minister for his answer. Is he aware that the public sector Specialists are paid Rs1500 and the private sector Specialists, if, at all, they are called to perform, are paid Rs500 only for the same service?

**Dr. Jeetah:** Mr Deputy Speaker, Sir, this is a special initiative that we have started to decrease the waiting time and, as I mentioned, we have some results to show for this action.

**Dr. Ramloll:** Mr Deputy Speaker, Sir, only two weeks ago, the Ministry decided to pay about Rs1500 to the private SPs as well. Is the hon. Minister aware that the public Specialists opposed and they decided to carry on the operations: “we don’t need the service of the private sector”? Is he aware of that?

**Dr. Jeetah:** I am not aware, Mr Deputy Speaker, Sir. What I want to make clear here is that our concern is the patients; we want to offer the best; we want to reduce the waiting time; we have started the initiative and it has started bearing fruits.

#### **PUBLIC HEALTH SECTOR – EXPATRIATES – PRIVATE PRACTICE**

(No. B/901) **Dr P. Ramloll (Third Member for Quartier Militaire & Moka)** asked the Minister of Health and Quality of Life whether, in regard to the expatriates working as Specialists in the public health sector, he will state if they are allowed to engage in private practice, and, if so, under which conditions.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, the reply is in the negative.

#### **DAGOTIERE VILLAGE/PROVIDENCE/QUARTIER MILITAIRE - DRAINS, PAVEMENTS & HANDRAILS – CONSTRUCTION**

(No. B/902) **Dr. P. Ramloll (Third Member for Quartier Militaire & Moka)** asked the Minister of Environment and National Development Unit whether he will state if he will consider the advisability of constructing drains, pavements and putting up handrails along the main roads of Dagotière village, Providence and Quartier Militaire respectively for the safety and the security of the inhabitants thereat.

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

Sir, footpaths and drain works, including handrails have already been provided by the Road Development Authority in different regions of Moka District, namely Petit Verger, Mont



Ory, Nouvelle Découverte, Montagne Blanche, L'Avenir and part of Providence village as well. Similar works are scheduled in the villages of Dagotière, Providence and Quartier Militaire for the financial year 2010.

### **L'AGRÈMENT, ST. PIERRE – SOCIAL HALL & CHILDREN'S PARK – CONSTRUCTION**

**(No. B/903) Dr P. Ramlool (Third Member for Quartier Militaire & Moka)** asked the Minister of Housing and Lands whether in regard to l'Agrément, St. Pierre, he will state if he will consider allocating the plot of State land, situated near the temple, for the construction of a children playground.

**Dr. Kasenally:** Mr Deputy Speaker, Sir, I am informed that the land in question belongs to the Sugar Industry Labour Welfare Fund and that the site has effectively been earmarked for the construction of a Social Hall and a Children's Park.

### **PLAINE VERTE YOUTH CENTRE – CONSTRUCTION WORKS**

**(No. B/904) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Youth and Sports whether in regard to the Plaine Verte Youth Centre, he will state -

- (a) when the construction works thereof
  - (i) started, and
  - (ii) ended, indicating the cost thereof;
- (b) the facilities provided thereat;
- (c) the activities which are being organised thereat, and
- (d) the number of staff employed, indicating their respective grades.

**Mr Ritoo:** Mr Deputy Speaker, Sir, as regards parts (a) (i) & (ii) the construction of the Plaine Verte Youth Centre, which was undertaken by the National Development Unit, started on 02 February 2005 and was completed on 25 August 2006 at a cost of around Rs12m. The complex was handed over to my Ministry on 29 August 2006.

Mr Deputy Speaker, Sir, as regards part (b) of the question, the Youth Centre provides indoor facilities like a gymnasium with badminton court, volleyball pitch, table tennis, a *boulodrome* and other facilities like computers with internet connection and a committee room.

As regards part (c), the activities being organised at the centre include aerobics, yoga, drama, leadership and family life education courses and sports activities such as badminton, volleyball, table tennis and *pétanque*. Moreover, like in other youth centres, outdoor and

outreach activities are organised and these comprise, amongst others, *Spéciales Vacances* Programme, National Youth Achievement Award, *Entreprenariat Jeunesse*, sensitisation campaigns against social evils and health promotion.

And finally as regards part (d), the Youth Centre is under the supervision of one Principal Youth Officer who is assisted by one Senior Youth Officer, one Temporary Youth Officer and one Attendant. In addition, part-time aerobic and yoga coaches conduct training sessions for ladies.

**Mr Lauthan:** Mr Deputy Speaker, Sir, as regards the sensitisation programme of social evils, can the hon. Minister tell us whether there is an updating of the types of activities with relation to new emerging problems like teenage drinking, gambling in spite of what is being said on the radio as safeguards, gang violence, HIV/AIDS and so on?

**Mr Ritoo:** I can inform the concerned persons so that they can conduct such sensitisation campaigns.

#### **CEB - COMPACT FLUORESCENT LAMPS – DISTRIBUTION**

**(No. B/905) 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.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, Compact Fluorescent Lamps also known as CFL have been on sale and in use in this country for many years, but not widely utilised till recently. In August last year, CEB started a campaign of energy efficiency using low energy bulbs (CFL). I am informed that CEB sold 934,179 bulbs in Mauritius and 40,250 in Rodrigues.

I am also informed that since CEB has started its campaign for the sale of CFL, specific boxes have been placed at the CEB Customer Service Centres islandwide for customers to drop the used lamps as a measure to mitigate pollution risks from mercury. Thereafter, these will be collected and transferred to a hazardous waste disposal site under the supervision of the Solid Waste Division of the Ministry of Local Government, Rodrigues and Outer Islands.

A national campaign is being mounted with the Ministry of Environment and National Development Unit and the Ministry of Local Government to sensitise the public on the safe disposal of fluorescent lamps, compact or otherwise.

**Mrs Perrier:** Can the hon. Minister inform the House when this campaign has started or when is it going to start?

**The Deputy Prime Minister:** The campaign at the level of CEB is already ongoing from the time that CFL lamps were being sold. But CFL lamps, having 5-7 years lifespan, the campaign has been slow to start. As to the national campaign, we have already met and we are going to launch it, but, I must say - and I repeat - it is not only the compact, but also the florescent bulbs which have been there for decades and which are the major source of mercury risk.

**Mrs Perrier:** Can the hon. Minister envisage advising the public at large on how to handle the burnt out lamps, especially before they break because when they break, they can be in touch with the mercury, there are 5-8 milligrams of mercury per lamp. Usually, in the States and in Europe, they ask people to put them in a special plastic and put gloves to handle these lamps, and, in Mauritius, nobody is aware about that.

**The Deputy Prime Minister:** I take good note of what has been said and I thank the hon. Member for that.

#### **SENATOR CLUB – ST. GEORGES STREET, PORT LOUIS - TRADING LICENCE**

**(No. B/ 906) 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 Barthelemy Streets, in regard to the casinos operating in the area 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.

**Dr. David:** Mr Deputy Speaker, Sir, I wish to inform the House that I am in presence of a petition from the residents of St. Georges Street and those adjoining the Senator Club objecting to the renewal of the trading licence of the Senator Club. The matter has been referred on 02 June 2009 to the Municipal Council of Port Louis for appropriate action.

I am now informed by the Municipality of Port Louis that based on the legal advice obtained on 25 June 2009 to the effect that there is already a case pending in the Supreme Court, it would not be proper not to renew the licence of Senator Club. Consequently, the licence of Senator Club has been renewed for the period 01 July to 31 December 2009.

The House may wish to note that a High-Powered Committee has been set up under the Chairmanship of Dr. the hon. Prime Minister to look into the whole issue of gaming houses.

**Mrs Perrier:** The Minister stated that the Municipal Council said that they had no option than to renew the licence because there is a case in court. But section 109 of the Local Government Act 2003 specifies that the Chief Executive can authorise the closing of a club or any premises when the business has been conducted in such a way as to the danger of public health, public order or public safety. I believe that this is the case and that is why people of the region are complaining about this casino in the vicinity. I can't see why the Municipal Council has not applied this section of the law which allowed them to close on a temporary basis.

**Dr. David:** Mr Deputy Speaker, Sir, I'll go along with the answer given by the Vice-Prime Minister and Minister of Finance in Parliament last week. In fact, we know the case of 'Ti-Vegas', where the Municipal Council of Quatre Bornes has had to pay damages. It has been condemned by the court and even by the Privy Council. Now, we do not want to take arbitrary action. We have been guided by the Legal Adviser of the Municipality of Port Louis and we are acting according to the advice that he has tendered. We want to be reasonable, we want to respect institutions and this is why we are awaiting for the court case.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, I just want to know from the hon. Minister whether one of the criteria for issuing such a licence is availability of parking facilities. I am just wondering whether the Senator Club has parking facilities.

**Dr. David:** I understand, Mr Deputy Speaker, Sir, that there is parking space.

**Mrs Perrier:** Is the hon. Minister aware that this casino is surrounded by three schools and this is very, very dangerous for the children attending these schools. They are tempted and they are spending their pocket money and their tuition fees in the casino.

**Dr. David:** Mr Deputy Speaker, Sir, I share the concern of the hon. Member. In fact, we may be on the same wavelength as regards the fight against social evils. The Senator Club has been granted a licence and now we cannot arbitrarily cancel it.

**Mr Jhugroo:** Can the hon. Minister inform the House who is the Legal Adviser of the Municipal Council of Port Louis?

**Dr. David:** Mr Yousouf Mohamed, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Mrs Perrier, last question!

**Mrs Perrier:** Mr Deputy Speaker, Sir, I cannot understand how the Municipal Council cannot cancel or suspend the licence of that casino, because section 109 of the Local Government Act specifies that the Chief Executive can do so.

**Dr. David:** Mr Deputy Speaker, Sir, I have answered the question. On top of that, everybody knows that there is a High-Powered Committee chaired by the hon. Prime Minister himself which will look into all the aspects of casinos, gaming houses and all these things.

**Mr Barbier:** May I ask the hon. Minister whether he will consider the advisability of recommending to the Municipal Council of Port Louis not to renew their licence at the expiry date, that is, on 31 December next?

**Dr. David:** No, Sir, because we have got legal advice.

**MINISTRY OF SOCIAL SECURITY - WHEELCHAIRS – ORDER**

**(No. B/907) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions whether, in regard to wheelchairs, she will state the date of the last order thereof, indicating the -

- (a) number thereof ordered, and
- (b) expected date of delivery.

**Mrs Bappoo:** Mr Deputy Speaker, Sir, regarding the first part of the question, following tender procedures, 562 wheelchairs were ordered on 22 May 2009.

In my reply to PQ No. B/631, I informed the House that the consignment was expected to be received by the end of June 2009. However, my Ministry was later informed by the local contractor that due to some shipment problems, the consignment will arrive by mid-July, that is, a delay of two weeks. On 13 July 2009, the local contractor confirmed that the consignment will be received on 17 July and only yesterday 21 July 2009, confirmation has been received that the consignment has already arrived in Mauritius. The Local contractor is proceeding with the custom formalities. The wheelchairs will be delivered to my Ministry for the distribution to applicants once the custom formalities are completed.

**Mrs Labelle:** Mr Deputy Speaker, Sir, may I ask the hon. Minister if she is aware whether different types of wheelchairs have been ordered to satisfy the different needs of disabled persons?

**Mrs Bappoo:** Yes, Mr Deputy Speaker, Sir. We have ordered the normal standard ones and the junior standard ones. But, we are also working on a new policy where we will try to hand over as per request of wheelchair, customised chairs for the applicants.

**Mr Jhugroo:** Can the hon. Minister inform the House as to the name of the local contractor?

**Mrs Bappoo:** It is Roadster Ltd.

**Mr Gunness:** Mr Deputy Speaker, Sir, we have ordered 562 wheelchairs. Can we know from the hon. Minister the number of applicants, that is, the number of persons who are waiting for those wheelchairs up to now?

**Mrs Bappoo:** As at to date, there is a waiting list of 400. So, 400 will be delivered immediately. These are the people on the waiting list and the other 162 will be distributed on a first come first serve basis.

## POSTGRADUATE SCHOLARSHIPS - GRANT

**(No. B/908) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Education, Culture and Human Resources whether, in regard to the postgraduate scholarships, he will state the number thereof –

- (a) granted by the State for the academic year 2008-2009, indicating the fields of study;
- (b) to be granted by the State for the academic year 2009-2010, indicating the fields of study, and
- (c) offered by the friendly countries for 2008-2009.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, with regard to part (a) of the question, nine scholarships were awarded by my Ministry under the State of Mauritius Postgraduate Scholarships Scheme in 2008. I am tabling a list indicating the fields of study of the nine beneficiaries for Academic Year 2008/2009.

With regard to part (b), for academic year 2009/2010, nine scholarships under the scheme have been advertised by my Ministry on 26 June 2009. The closing date for submission of application is 14 August 2009. Hence, the fields of study will only be available after the selection exercise will have been completed.

As regards part (c), details of the number of postgraduate scholarships offered by friendly countries for 2008-2009 are provided on the list being tabled.

#### **NGOs - VIOLENCE AND CHILD ABUSE - PROGRAMME**

**(No. B/909) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Women's Rights, Child Development and Family Welfare whether, in regard to the collaborative programmes of her Ministry to combat violence and child abuse, she will –

- (a) give a list of the Non-Governmental Organisations involved, indicating their -
  - (i) respective programmes;
  - (ii) target audiences;
  - (iii) duration of the programmes, and
- (b) state the amount of money spent on each.

**Mrs Seebun:** Mr Deputy Speaker, Sir, I would like to inform the House that my Ministry works in close collaboration with NGOs to address the problems of domestic violence and child abuse.

As regards domestic violence, my Ministry intervenes directly and undertakes preventive measures. These measures include sensitisation programmes which are conducted in collaboration with NGOs to create awareness among the public at large on issues related to domestic violence.

In addition to that, my Ministry equally works with Community-Based Organisations through the Zero Tolerance Clubs with a view to involving the community to combat domestic

violence. Members of these Clubs act as watchdogs to ensure that their respective localities are violence free. To date, five Zero Tolerance Clubs are operational, namely at Abercombie, Goodlands, Mare D'Albert, Pointe-Aux-Sables and Montagne Blanche.

Over and above the specific programmes with NGOs, my Ministry is also working with other NGOs, such as NATReSA, PILS, and Victim Support in our ongoing awareness programmes against alcoholism, sexually transmitted diseases and domestic violence. Through these awareness programmes, we are also targeting youths to enable them to adopt a culture of non-violence.

I would like to invite the attention of the hon. Member that many programmes initiated by my Ministry are meant to empower the umbrella organisations such as MACOSS and Council of Religions so that they may trickle down the programmes and awareness campaigns to their member organisations. This process enables my Ministry to sensitise a larger audience.

Mr Deputy Speaker, Sir, concerning child abuse, the assistance of NGOs is sought to provide residential care to children victims of ill-treatment, abandonment, destitute or otherwise exposed to harm. Where a child is found at risk of harm, he or she is immediately placed at the shelter of my Ministry on a temporarily basis. Arrangements are thereafter made to commit the child in a residential care institution which has been declared as a place of safety following the issue of a Court Order.

Institutions which are providing accommodation and care to children are being paid an all inclusive daily grant of Rs211.94 per head.

I wish to inform the House that the duration of the stay of the children at these institutions depends upon the Committal Order/Interim Committal Order issued by Court.

With a view to combating child abuse, my Ministry is also working with the National Children Council (NCC) to conduct sensitisation campaigns on the issue of child abuse. From July 2005 to date, 690 campaigns have been carried out in schools, colleges and youth clubs reaching out 11,820 children. For the period July 2009 to December 2009, the NCC is planning to conduct further sensitisation campaign in 35 schools and colleges targeting some 3,500 children.

Mr Deputy Speaker, Sir, with regard to part (a) of the question, I wish to inform the House that since July 2005, we have undertaken specific programmes to combat domestic violence with six NGOs, namely -

- (a) Mauritius Family Planning and Welfare Association;
- (b) Mauritius Alliance of Women;
- (c) Media Watch Organisation;
- (d) MACOSS in collaboration with Aryan Women Welfare Association;
- (e) Council of Religions, and
- (f) Indian Ocean Centre for Education in Human Values.

In addition, as concerns child abuse, there are 12 institutions which are assisting my Ministry in providing accommodation and care to children who are victims of abuse and neglect. These institutions are –

- (a) Terre de Paix;
- (b) Foyer Père Laval;
- (c) Foyer Monseigneur Leen;
- (d) SOS Village for Children Mauritius (Beau Bassin);
- (e) SOS Village for Children Mauritius (Bambous);
- (f) CEDEM (Floreal);
- (g) CEDEM (Hollyrood);
- (h) Crèche Coeur Immaculée De Marie;
- (i) Gayasing Ashram;
- (j) Mauritius Muslim Orphanage;
- (k) Association D'Hébergement pour les Personnes Inadaptées, and
- (l) Shelter for Women and Children in Distress Trust Fund (Forest-Side).

My Ministry has also set up Participatory Advisory Committees (PACs) that operate at the level of the 15 women centres across the island. The aim of the PACs is to provide a platform for members of the community to work together to identify priority areas of intervention, formulate action plans and secure partnerships for interventions that would improve the livelihoods of the community at large.

Mr Deputy Speaker, Sir, I am tabling before the House a list of NGOs, the programmes they are implementing, their target audiences and the duration of these programmes.

With regard to part (b) of the question, as from July 2005 to date, a total amount of Rs1,059,622.22 has been disbursed in respect of programmes to combat domestic violence and an amount of Rs30,761,630.20 has been paid to NGOs providing residential care to children who are victims of abuse. Furthermore, for the period of July 2009 to December 2009, a sum of Rs730,000 has been earmarked for programmes to combat domestic violence and an amount of Rs6.9 m. has been earmarked for NGOs providing residential care to children victims of abuse. I am tabling the details of the amounts spent on each programme as from 2005 to date.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, can I ask the Minister whether she has got the figures concerning children who have been victims of abuse, who have been placed in shelters and who, ultimately, have found a place in a permanent residence or in a foyer somewhere during the past year?

**The Deputy Speaker:** Unless the Minister needs notice of the question.

**Mrs Seebun:** Sure, I need notice, but this is the current exercise. The hon. Member is much aware of it.



**The Deputy Speaker:** So, the hon. Member will come with a substantive question.

**Mrs Seebun:** Later I can give details to the hon. Member.

**The Deputy Speaker:** Hon. Mrs Labelle, do you have a supplementary question?

**Mrs Labelle:** Thank you, Mr Deputy Speaker, Sir. The hon. Minister has given a very long reply, but, unfortunately, the specific answer I was expecting will be circulated. Mr Deputy Speaker, Sir, in this House, some weeks back, it was after Committee of Supply, the hon. Minister mentioned a specific programme to combat violence and she also mentioned collaborative programmes. So, this is what I asked for. I was not asking for the institutions which were receiving grants as Foyer Père Laval and so on and so forth, but I want to know whether there are any NGOs which are working with the Ministry with a specific programme to combat violence and child abuse. If there is such a programme, which audience is being targeted and so on and so forth? This was my question. I don't know whether the hon. Minister has an answer to this.

**Mrs Seebun:** Sure, I have an answer, Mr Deputy Speaker, Sir. All the six plus twelve institutions I mentioned are aggressively working to combat child abuse and domestic violence. This is why I am giving details of all the programmes which the hon. Member and other Members can have a look.

## **MOSQUITOES – INTEGRATED VECTOR MANAGEMENT STRATEGY**

**(No. B/910) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Health and Quality of Life whether, in regard to the non-proliferation of mosquitoes, he will state the recommendations made by his Ministry to public bodies in respect of the required measures to be taken in relation thereto.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, intersectoral collaboration has always been high on the agenda of my Ministry in line with the adoption of an Integrated Vector Management Strategy to control mosquito population density in the country.

Intersectoral collaboration...

*(Interruptions)*

**The Deputy Speaker:** Order, please!

**Dr. Jeetah:** ...involving various Ministries and Departments, as well as the private sector, was already visible during the malaria elimination programme (in the 1970s). This was even more pronounced during the Chikungunya campaign in 2006. The Action Plan, established for the purpose of eliminating the disease, has given a considerable weightage to the contributions that other Ministries and Departments and the private sector had to make.

Along the same line of action, during the recent outbreak of Dengue fever, several meetings were held with the various stakeholders, when emphasis was laid on the need to eliminate mosquito breeding places and also on the need to undertake a national sensitisation campaign. During these meetings, the need to reinforce workforce to carry out chemical vector control was also highlighted.

These meetings saw the participation of the Special Mobile Force, as well as several Ministries/Departments and private sector organisations such as -

- (i) Ministry of Agro Industry, Food Production and Security;
- (ii) Ministry of Education, Culture and Human Resources;
- (iii) Ministry of Local Government, Rodrigues and Outer Islands;
- (iv) Ministry of Tourism, Leisure and External Communications;
- (v) Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions;
- (vi) Ministry of Women's Rights, Child Development and Family Welfare, and
- (vii) PSSA, SILWP, JEC, MCCI, MEXA, AHRIM, MSPA and MCA.

Amongst others, an extensive cleaning campaign was launched by the Ministry of Local Government with the support of other Ministries and Departments.

Notwithstanding actions initiated by my Ministry, the support of the various stakeholders was also sought to mount a countrywide sensitisation campaign. In fact, officers of my Ministry, in collaboration with the abovementioned stakeholders, have been undertaking awareness sessions, media campaign through radio, T.V. and press targeting the public, in general, and various community groups including school children. Pamphlets were also distributed with the support of several Ministries

With regard to deployment of manpower, I wish to express my appreciation for the support of the Special Mobile Force for the fogging operations that were carried out in the region of Port Louis.

My appreciation also goes to the Ministry of Agro Industry, Food Production and Security and the Ministry of Environment and National Development Unit which have made available additional manpower to my Ministry for fogging and larviciding exercises.

I also wish to inform the House that my Ministry is presently finalising an emergency preparedness plan for Dengue & other mosquito borne diseases.

Mr Deputy Speaker Sir, the campaign of cleanliness is a matter of interest and concern to one and all. *C'est ainsi que mon ministère a fait appel à tout un chacun pour faire face à ce fléau et je remercie la population pour avoir répondu positivement à notre appel pressant pour une Ile Maurice propre et dépourvue d'immondices qui pourraient inciter la prolifération des moustiques.*

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I would like to thank the Minister for his elaborate answer. I just wanted to ask him whether among the recommendations made to the various bodies, schools, etc., one of the recommendations was to get rid of breeding places of mosquitoes by pruning trees, getting rid of lush vegetation in regions where mosquito breeding is expected.

**Dr. Jeetah:** Yes, Mr Deputy Speaker, Sir, in fact, what we still need to be doing and we have to do continuously is to make sure we don't have these breeding places. We have been able, I must say, to control Dengue fever, but this should be an ongoing process given that today we are at risk of new diseases, given the climatic changes and so on in the world.

**Mrs Dookun-Luchoomun:** I heard the hon. Minister mention that the collaboration of the Ministry of Agro Industry, Food Production and Security was asked. May I ask him whether the Forestry Department was made aware of the recommendations made by the Ministry of Health and Quality of Life?

**Dr. Jeetah:** Yes, Mr Deputy Speaker, Sir. In fact, we had 1600 men and women working day and night over this episode and they were fully briefed every single day. I have witnessed quite a few myself.

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether he is aware that in schools and institutions where trees have been pruned, officers from the Forestry Department are going around threatening and warning that these people would be taken to court because of such measures taken with a view to eliminate insect and mosquito proliferation?

**Dr. Jeetah:** I am not aware of that, but I can certainly say that this is a different matter. There is a way to treat a tree. It is not a question of just eliminating all trees. We have to eliminate the breeding grounds. We have to remove stagnant water, tyres and so on and definitely not clearing the whole place of trees.

**Mr Jhugroo:** Can I know from the hon. Minister whether these measures have been extended to the inhabitants of Agaléga?

**Dr. Jeetah:** I must admit that I am not aware of what is happening in Agaléga, but I'll certainly look into it.

**Mr Bhagwan:** The Minister has informed us that actions and initiatives would be taken, but the main problem is that *l'exemple doit venir d'en haut*. People are sometimes taken to task. People are motivated to keep their country clean, *mais l'exemple doit venir du gouvernement. Je le dis par expérience. Je demanderai au ministre d'utiliser l'hélicoptère du gouvernement pour se rendre compte dans quel état sont les bâtiments de l'État dans toutes les circonscriptions confondues et, par la même occasion, l'hôtel du gouvernement. L'initiative doit venir du gouvernement. Est-ce que le ministre de la santé a discuté de cet aspect avec le ministre des terres et le ministre des infrastructures publiques en ce qui concerne les hôpitaux, les bâtiments administratifs du gouvernement et surtout les State lands qui sont éparpillées around the island?*

**Dr. Jeetah:** That is a very valid suggestion, Mr Deputy Speaker, Sir, but I would like to give some comfort to the hon. Member. We have got a system which is put in place as surveillance. So, once we detect that there is a mosquito that has bitten somebody who has got such and such fever, the whole team goes there and clears off the place. I would certainly look into the suggestion.

**The Deputy Speaker:** Last question, hon. Mrs Dookun-Luchoomun!

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether he is ready to look into the matter? Because what I was saying is not that people should go round cutting down trees, but, at least, where people have been trying to help by eliminating breeding areas, to look into the matter not to have forestry people going about threatening to sue to court.

**Dr. Jeetah:** At the moment, I am the Ag. Minister of Agro Industry, Food Production and Security and I will certainly look into the matter.

### **MARTINDALE, RÉDUIT – ROAD ACCESS**

**(No. B/911) Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware that six families residing at Martindale, Réduit are having difficulties of access, as the St John's Anglicans Church has erected a block wall fencing and, if so, will state if he will consider providing a road access thereat.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed by the Moka/Flacq District Council that a request was received on 12 September 2008 from the inhabitants of Martindale, Réduit for the widening of a 3 feet wide footpath as they were encountering difficulties to have access to the public road.

I am informed that there is no defined access for public use thereat except a 3 feet wide footpath with privately owned properties on its both sides.

I am also informed that the creation of a road access in that locality will imply the compulsory acquisition of private land.

**Mr Dayal:** Mr Deputy Speaker, Sir, previously, there was an access but with the wall being erected, the inhabitants have been denied the access. I would like to request the hon. Minister if he could use his good offices so as to alleviate the hardship caused to the inhabitants by providing an access to them even if it requires compulsory acquisition.

**Dr. David:** Obviously, Mr Deputy Speaker, Sir, we cannot provide access on private land, but as far as acquisition is concerned, I'll certainly ask my colleague from the Ministry of Housing and Lands to find out what are the possibilities.

### **CITÉ SAINTE CATHERINE, L'AGRÉMENT, ST. PIERRE –**

## BUS SERVICE

**(No. B/912) Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether he is aware that the inhabitants of Cité Catherine, l'Agrément, St. Pierre, and in the surrounding areas suffer undue hardships due to the absence of a bus service thereat and, if so, will he consider providing a bus service along the route Cité Sainte Catherine up to the Traffic Centre, St. Pierre.

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am informed by the National Transport Authority that Cité Sainte Catherine, which forms part of L'Agrément, St. Pierre, comprises of 66 housing units with an estimated population of 450 inhabitants. No bus service exists along L'Agrément Road which connects Cité Sainte Catherine and Bois Chéri Road.

However, regular bus services are available along Bois Chéri Road from Port Louis to St. Pierre at a frequency of every 10 minutes in both directions.

The three metre width road network within Cité Sainte Catherine, apart from being narrow, is not provided with pavements. It is thus not convenient for bus traffic. Furthermore, there is no appropriate place for buses to reverse in the locality.

It must be pointed out that there are five taxis which operate from L'Agrément, including Cité Sainte Catherine. They are all garaged in the locality and operate as "*Taxi Train*".

**Mr Dayal:** Mr Deputy Speaker, Sir, buses do ply on the said road. Officers, sometimes, give erroneous information. I would like to ask the hon. Minister to effect a site visit with MPs of the region along with officials of his Ministry to see *de visu* the situation and to provide solutions accordingly.

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am informed that there are no footpaths on either side of the road and this might have been the reason which has prompted my officers to prepare such a statement, but I don't have any objection in conducting a site visit.

## TAX APPEAL – DOWN PAYMENT OF 30%

**(No. B/913) Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the requirement to effect a down payment of a minimum of 30% of the amount of tax payable in order to proceed with an appeal in tax cases, he will state if he will consider the waiver thereof.

**The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen):** Mr Deputy Speaker, Sir, the provision for the taxpayer to effect a down payment of 30% of the tax amount claimed for his objection to a tax assessment to be considered valid was introduced in the Income Tax Act in 1997. The requirement was extended to tax claims under the Value Added Tax Act in 2006 and the Land (Duties and Taxes) Act in 2007. The main reason for setting up of the system is to discourage frivolous objections from taxpayers.

The Income Tax Act also provides that if the taxpayer satisfies, on reasonable grounds, the Director-General of the Mauritius Revenue Authority that he is unable to effect the cash payment of 30% of the tax amount claimed, then he is instead allowed to submit a bank guarantee. In the event that the taxpayer again cannot comply with this alternative requirement, his objection is considered invalid and is deemed to have lapsed.

However, Mr Deputy Speaker, Sir, the taxpayer still has a right of appeal. He can lodge an appeal with the Assessment Review Committee (ARC) against the MRA. This is applicable even in cases where strictly the 30% down payment has not been paid by the taxpayer. Accordingly, if the ARC finds that the MRA was wrong to have lapsed the objection of the taxpayer, it can refer the case back to the MRA for review.

On the other hand, if the ARC finds that the MRA was right to have considered the objection of the taxpayer to have lapsed, the taxpayer has a further right of appeal, that is, to make an appeal to the Supreme Court of Mauritius.

The House may also wish to note that the Supreme Court has recently, on 17 June 2009, delivered a judgment in respect of an appeal on the constitutionality of the requirement of the law to require a down payment of 30%. The court has ruled that it did not find the requirement unconstitutional, unfair or abusive.

The system, as it is, Mr Deputy Speaker, Sir, is working and there are proper safeguards for the taxpayer, and also, in the light of the ruling, there is no reason to consider the waiver of the requirement to pay 30% of tax claimed in an assessment before any objection to the assessment is considered.

**Mr Dayal:** Mr Deputy Speaker, Sir, *il y a la loi, il y a l'esprit de la loi*. I am not disputing the legal side of it. I have received lots of representations, especially from SMEs. They encounter lots of difficulties. The question I would like to put is: can the hon. Minister consider, let's say, a token amount as a deposit so as to make it possible for them to lodge their appeal?

**Dr. Sithanen:** I think it is a fair point raised by my colleague. I received many cases, Mr Deputy Speaker, Sir, but we have to strike a balance between flooding the system and being fair to people. Since this was introduced, there has been a lot of flexibility introduced in the system. First, instead of actually making a deposit of 30%, in many cases, the Director-General gives a flexibility of substituting for a bank guarantee which costs far less. The second flexibility that has been given, Mr Deputy Speaker, Sir, is that once a bank guarantee is given, the MRA tries to do its best to adjudicate the case within six to eight weeks, and third, they pay interests on the amount of bank guarantee or on the amount deposited as foregone income. We have to strike a balance.

Taxes have come down significantly, Mr Deputy Speaker, Sir, and I must say, in many cases, the Mauritius Revenue Authority tries to be lenient. But, we all know and the Director-General of the MRA said it in an interview: given a chance, most people would not like to pay taxes, even when taxes are low. In the overwhelming majority of cases, Mr Deputy Speaker, Sir, the taxpayer has been found not to have a valid case. I understand the problem. Many MPs speak

to me, I have given up all the discretionary power in order not to be inundated with cases, but they have to do the job also and we will see how flexible this can be done. We have to avoid a system where people stop paying taxes. Let me tell my hon. friend, in some countries, this amount is 50%.

**Mr Bodha:** May I ask the hon. Vice-Prime Minister and Minister of Finance, how many cases have appealed for the financial year 2007/2008?

**Dr. Sithanen:** I don't know. If the hon. Member comes with a substantive question, I will gladly give the answer.

**Mr Bodha:** Are there many cases where the final assessment sum was superior to 30%.

**Dr. Sithanen:** Yes, I think so. As I said, I don't have specific cases, but I asked the question. In the overwhelming majority of cases, the taxpayers that lodge the claim usually do not win.

**Mr Dayal:** I have got representations that taxpayers do find this 30% very oppressive and they are in a difficult situation to find the sum. If they cannot find the sum, they cannot protest, they cannot appeal, is it so?

**Dr. Sithanen:** As I said, Mr Deputy Speaker, Sir, maybe one solution is for them to try to convince the MRA to accept a bank guarantee. Then, the financial burden is significantly less. Depending on the financial standing of this particular individual, a bank guarantee costs far less than actually giving the amount. Provided a case is made to the MRA that in lieu of the amount itself being deposited, that the MRA can accept a bank guarantee. Mr Deputy Speaker, Sir, I have spoken to the MRA and I have requested them to be flexible, especially if there are genuine cases. It is very difficult to tell them that for each case they have to give a waiver, because then they will be inundated.

**Mr Dayal:** Flexibility and leniency must be seen to be done because it's not always the case. This is what I am given to understand.

#### **DAGOTIÈRE – CREMATION GROUND – BRIDGE**

**(No. B/914) Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the project for the construction of a bridge near the entrance of the cremation ground at Dagotière, he will state when works thereat will start.

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am advised by the Road Development Authority that a survey will be carried out to determine the extent of upgrading and rehabilitation works to be carried out at the bridge situated near the entrance of Cremation Ground at Dagotière and the works will be included in our programme of work for this financial year.

## **MAURITIUS MEAT AUTHORITY – CHAIRPERSON – REMUNERATION & FRINGE BENEFITS**

**(No. B/915) Mrs S. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Agro Industry, Food Production and Security whether, in regard to the Chairperson of the Mauritius Meat Authority, he will, for the benefit of the House, obtain from the Authority, information as to the name of the incumbent, indicating the remuneration and other fringe benefits granted to him.

**The Minister of Health & Quality of Life (Dr. R. Jeetah):** Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

I am informed by the Mauritius Meat Authority that Mr Vijaydut Chummun is the Chairperson of the Authority.

Mr Chummun draws a monthly fee of Rs 21,000.

In addition to the above fee, he is paid a travelling allowance of Rs5,000 monthly and provided with a cellular phone.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the Minister no doubt is aware that Mr Chummun was also Adviser to the Minister of Health and Quality of Life and he has had to resign because allegedly he was arrested for sale of psychotrope. Does the Minister think that Mr Chummun should still hold the post of Chairperson of the Mauritius Meat Authority?

**Dr. Jeetah:** Mr Deputy Speaker, Sir, I know this case quite well. I had some discussion with him and my Ministry decided to ask him to step down pending the inquiry. I must tell the hon. lady that he has been cleared of any misgivings or malpractices. That was an allegation made by somebody who, I think, broke into his pharmacy or some compound.

**Mrs Hanoomanjee:** Can we know when he has been cleared?

**Dr. Jeetah:** I had the document with me, but I don't have the date. I can let the hon. Member have the exact date. I can let her have a copy actually of that proceeding.

**The Deputy Speaker:** The Table has been advised that PQ B/916 has been withdrawn.

## **CHILDREN – SEXUAL ABUSE – COURT PROCEDURES**

**(No. B/916) Mrs S. Hanoomanjee (Second Member for Savanne & Black River)** asked the Attorney-General whether, in regard to children under the age of ten and who have been abused sexually, he will state the procedures adopted for them to depone in court.

*(Withdrawn)*

## **PLAINE MAGNIEN – MUSLIM CEMETERY – “JANNAZA” PLATFORM**



(No. B/917) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware of the bad state of the “*jannaza*” platform of the Muslim cemetery in Plaine Magnien and, if so, will he state the remedial measures that will be taken.

**Dr. David:** I am informed by the Grand Port/Savanne District Council that the “*jannaza*” platform at the Plaine Magnien cemetery is at present of plain floor without ceramic tiles and is uncovered.

I am further informed that upliftment works at the platform, namely placing of tiles and provision of shelter will be undertaken during financial year 2010.

#### **AYODHYA LANE, TROIS BOUTIQUES – CONSTRUCTION**

(No. B/918) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Minister of Local Government, Rodrigues and Outer Islands whether he has taken cognizance of the repeated requests made by the inhabitants of the Ayodhya Lane, Trois Boutiques, to have the said road tarred and, if so, will he state where matters stand.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed by the National Development Unit of the Ministry of Environment and National Development Unit that the construction of Ayodhya Lane at Trois Boutiques will be undertaken during the current financial year.

#### **STREET HAWKERS – NATIONAL POLICY**

(No. B/919) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the street hawkers, he will –

- (a) state if there is a national policy in regard thereto, and
- (b) for the benefit of the House, obtain from the Municipal and District Councils, information as to the number thereof operating in each of them.

**Dr. David:** Mr Deputy Speaker, Sir, I wish to refer the hon. Member to the reply I made on 07 April 2009 to PQ No. B/124 on this issue.

With regard to part (b) of the question, I wish to inform the House that the information asked for is being compiled and will be placed in the Library of the National Assembly.

#### **HYDROPONIC VILLAGES – SETTING-UP**

(No. B/920) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Agro Industry, Food Production & Security whether, in regard to the hydroponic villages, he will state the number thereof set up since August 2005 to date.

**The Minister of Health & Quality of Life (Dr. R. Jeetah):** Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

There has been one hydroponic village set up by my Ministry at Cluny, Beemanique in year 2006. Initially, the project was to be set up at Belle Vue Experimental Station at Albion by FARC on 2 Acres of land with uptake of loan from DBM and renting out units to operators. However, further to a technical assessment which concluded on relatively high temperature, soil type and accessibility to planters at Albion, the project was shifted to Cluny on 14 acres of land leased out by the Rose Belle Sugar Estate Board.

The concept of the project is based on a 'Rent and Build Model' and comprises 31 plots of 900 M<sup>2</sup> each. An Expression of Interest was launched in February 2006 whereby 37 applications were received. Following evaluation, 31 applicants were selected. As at date, the total number of plots already leased out is 22 and 9 cases are being considered at the level of my Ministry.

Currently 11 promoters have already embarked upon this project. 6 units are operational and are involved mainly in production of tomato and sweet pepper. They are assisted and supported by AREU. Five new promoters have started construction of their green houses. Electricity is available on the site and temporary arrangement has been made with the CWA for the supply of water to the current lessees. The Rose Belle Sugar Estate Board has just completed the tender exercise for drilling and testing of a borehole and the contract is expected to be awarded soon following which more promoters are expected to start the operation.

#### **LA DIGUE, DAGOTIERE - DICKSON BRIDGE - RECONSTRUCTION**

**(No. B/921) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the project for the carrying out of works at the Dickson Bridge at La Digue, Dagotièrè, he will state where matters stand.

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

I am informed by the Moka/Flacq District Council that following the reconstruction of Dickson Bridge at La Digue, Dagotièrè, to the tune of Rs7 m., a complaint was received to the effect that the water flow was still restricted due to partial obstruction of a culvert downstream at an existing old bridge which forms part of the property of Mon Désert Alma.

I am further informed that the necessary way leave has been sought on 13 January 2009 by the Council from Mon Désert Alma to enable the reconstruction of a cross drain to address this problem. The way leave is still awaited, unfortunately.

**Mr Jugnauth:** First of all, let me thank the hon. Minister for having done a very good job in having the bridge to be built there. But in the meantime, while the other works will be done in terms of getting the way leave and so on, would the hon. Minister see to it with Mon

Désert Alma that, at least, the workers can go there to unblock this place where water has accumulated and is practically stagnant?

**Dr. David:** I'll do that, Mr Deputy Speaker, Sir. But I must mention the dates. The Moka/Flacq District Council requested for way leave since 13 January 2009. Seven months later, we are still awaiting. This cannot go on indefinitely. I'll ask Mon Désert Alma to allow the workers to go there to do what has to be done. But we'll enforce on Mon Désert Alma to give us way leave.

### **PUBLIC PLACES - NOISE POLLUTION**

**(No. B/922) Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Minister of Health and Quality of Life whether, in regard to the public places such as bars, halls and discotheques where music is played aloud, he will state if assessments have been made of the level of noise pollution generated thereat, and, if so, the number of such places, indicating those which have been booked in breach of the Environment Protection Act 2002, since January 2008 to date.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, the Environment Protection (Amendment 2008) Act and the Environment Protection (Control of Noise) Regulations 2008 provide the legal framework and basis for the management of noise and mandate my Ministry to be the enforcing agency and also empower the Ministry of Environment & NDU, the Police, the *Police de l'Environnement* and the Local Authorities to take actions against noise pollution.

The Environmental Health Engineering Unit of my Ministry has carried out noise assessment for public places such as bars, halls and discotheques in accordance with the provisions of the Environment Standards for Noise Regulations 2008 under the Environment Protection Act as amended. The number of noise monitoring exercises carried out since January 2008 to date at such places is 90.

Twelve Programme Notices have been served on contravenants so far, in accordance with the provisions of the Environment Protection Act as amended.

I am also informed by the *Police de l'Environnement* and the police department that they have established 54 contraventions from 15 July 2008 to 17 July 2009 against such places, in accordance with the provisions of the Environment Protection (Control of Noise) Regulations 2008.

**Mrs Martin:** I thank the hon. Minister for his answer. May I ask him whether he has made an assessment to see how many of those public places mentioned in the question, such as bars, halls and discotheques, where music is played out loud, actually exist, since he says 90 of them have been checked?

**Dr. Jeetah:** I can circulate a list of establishments that have been assessed, if that could help the hon. Member.

**Mrs Martin:** It does not matter. It is not actually what I was asking. It is the number of existing places where music is played out loud. Anyway, may I ask the hon. Minister at what interval is the testing being carried out?

**Dr. Jeetah:** I see the point. Normally, when there is a complaint, the officers go out and check the noise levels. Recently, we've had a number of complaints. We had discussions here, and, I think, I mentioned in an answer a while ago that we have set up a flying squad that has to stay out late because normally these noise problems occur very late at night or early in the morning. They have got a programme work to go round discotheques and so on. First of all, we are trying to let people know the noise level, and then if they don't take action, we take action through contraventions and so on.

**Mrs Martin:** The hon. Minister is no doubt aware that it is not only outside the buildings that the inhabitants are being bothered, but often inside the buildings where the music is being played, as there is a real risk of people suffering from ear problems because the music is too loud. My question is whether the Ministry would consider regular assessment of noise levels whenever this is necessary or required, especially in those places where inhabitants outside are complaining. Therefore, the people inside might surely be a little bit more in danger of having ear problems.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, I know this from my time, at the university, that most young adults these days can be partially deaf if they are going to discotheques. But I will have to look into the suggestion that we will have to regulate noise level inside discotheques. I don't know whether this is possible, but I will certainly ask my technicians to advise me.

**Mr Dowarkasing:** The hon. Minister has spoken about the flying squad. Can we know how big the squad is and how many vehicles they have to perform their job?

**Dr. Jeetah:** I did give some indication as to the number in reply to a previous PQ, but I can certainly circulate the information.

**Mrs Perrier:** Mr Deputy Speaker, Sir, the Minister should be aware that the motorcycles are permanent noise pollution, especially at night. Can he inform the House whether the motorcycles are taken care of under the Environment Protection Act 2002?

**Dr. Jeetah:** Mr Deputy Speaker, Sir, this might not necessarily fall under my Ministry, but I will have to look into it.

## **WORLD FOOTBALL CUP 2010, SOUTH AFRICA – TRAINING CAMPS**

**(No. B/923) Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Minister of Youth & Sports whether, in regard to the forthcoming World Football Cup to be held in South Africa in June 2010, he will state if his Ministry is proposing to organise special events in order to boost up local football and make Mauritius participate fully in this event and, if so, give details thereof and, if not, why not.

**Mr Ritoo:** Mr Deputy Speaker, Sir, the FIFA World Cup 2010 is an international event of historical importance to the African region. In fact, this will be the first World Cup to be hosted in Africa since the start of the competition in 1934.

In that context, Government has already set up a Ministerial Committee to look into accommodation of World Cup fans and organisation of training camps for foreign teams, so that we derive maximum benefits from the holding of the forthcoming World Cup in South Africa in June 2010.

Besides the arrangements being made by the Ministry of Tourism to attract fans who will be proceeding to South Africa to stop over in Mauritius, my Ministry is envisaging to invite two high profile football teams, which will be qualified for the World Cup finals, to train in Mauritius.

In this respect, Government has earmarked Rs15 m. to upgrade George V and Anjalay Stadia to the norms required by the FIFA. This, in itself, will be a boost for football in Mauritius. It will also be a unique opportunity to watch such prestigious teams in preparation and at play. This would generate football fever in the country.

I would certainly welcome any suggestion that the hon. Member may wish to make for Mauritius to participate fully in this unique event.

**Mrs Martin:** I thank the hon. Minister for his answer. The aim of my question was really to see what is being done locally, not only to accommodate foreign groups or foreign teams but what is being done to seize this occasion in order to boost the local football itself. I would like to know whether the hon. Minister has envisaged any programme in order to go forward.

**Mr Ritoo:** We have an inter Ministerial Committee and we are looking at how to boost up the local teams and football in general.

**Mrs Martin:** Since the hon. Minister has mentioned this Ministerial Committee, can I ask him when the Ministerial Committee is expected to submit its recommendations?

**Mr Ritoo:** Very soon, Mr Deputy Speaker, Sir.

#### **CLEMENT CHAROUX STREET, MALHERBES, CUREPIPE – PAVEMENTS**

(No. B/924) **Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether he is aware of the difficulties faced by the pedestrians along the Clément Charoux Street, Malherbes, Curepipe, and if so, will he state if he will consider constructing footpaths along the said road, with a view to reinforcing the safety of the numerous pedestrians who use this street daily.

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

I am informed by the Municipality of Curepipe that, following request received from residents of Clément Charoux Street, Malherbes, Curepipe, it is envisaged to construct pavements along that road during financial year 2010.

### **HIGH LEVEL ATHLETES – HANDICAPPED - ASSISTANCE**

**(No. B/925) Mr J. R. Speville (Second Member for Rodrigues)** asked the Minister of Youth & Sports whether, in regard to the athletes who have performed at national and international levels and who have become disabled or severely handicapped, following injuries sustained in accidents inside or outside the playfield, he will state -

- (a) the number thereof, and
- (b) if he is aware of the case of one Ms G. G. who had represented Mauritius in Judo at national and international levels and who is presently handicapped and, if so, if any assistance will be extended to her.

**Mr Ritoo:** Mr Deputy Speaker Sir, there is no records available at the Sports Medical Unit of my Ministry regarding any athlete who has become disabled or severely handicapped following participation in sports. However, I am aware of one athlete residing in Rodrigues, namely Ms Marie Noelle Ravina, who was, long back, hurt by a javelin in Rodrigues, and which was the cause of her handicap.

As regards part (b), I am aware that Ms Glorieuse Guillaume was a high level athlete who won a gold medal in judo at the Indian Ocean Islands Games in 1993 and thereafter became the vice champion of Africa in the same discipline.

I am informed that Ms Glorieuse Guillaume was hurt during the Indian Ocean Islands Games in Reunion in 1998 and sustained a leg injury. After the IOIG 1998, she stopped practising judo and was employed by the Judo Federation.

In 2003, she opted for the practice of weightlifting and even participated in the Indian Ocean Islands Games 2003 in Mauritius.

I understand that the former athlete is now disabled and is a beneficiary of financial assistance from the Ministry of Social Security.

The Office of the President has transmitted to my Ministry a letter from Father Michel Boullé, who has appealed for additional social benefits on behalf of the former athlete.

The Ministry of Social Security has been requested to favourably consider the request.

**Mr Spéville:** Mr Deputy Speaker, Sir, is the hon. Minister aware that Miss Guillaume, who is now residing at Dagotière, has been living in Mauritius for the last 20 years and that she is fully handicapped? She is receiving Rs1,123 as social aid and has to pay Rs1,400 monthly to

the NHDC. She also has to pay electricity and water bills, buy food and everything. Is the hon. Minister aware that since February 2008 this girl is living in that condition?

**Mr Ritoo:** Mr Deputy Speaker, Sir, I am aware of the case of Miss Guillaume. In fact, she is not staying at Dagotière, but at Pointe aux Canonnières. She is indebted heavily. The Ministry made an appeal to the Trust Fund for Excellence in Sports to help the athlete after she was hurt. Its Board exceptionally agreed to pay her arrears on rent for seven months to an amount of nearly Rs10,000 to the NHDC Co. Ltd., though this does not fall within its mandate and objectives.

**Mr Spéville:** The hon. Minister just said that Miss Guillaume is residing at Pointe aux Canonnières. In fact, last night, I visited her; she is living with a friend at Pointe aux Canonnières because she is undertaking treatment at the SSRN Hospital, which means that she cannot travel from Dagotière which is so far. The address on the CEB bill and water bill states: Ms Glorieuse Guillaume, Résidence L'Assurance, D14, NHDC Complex Dagotière, Royal Road. That is her real address. The NHDC has just sent her a letter for the arrears as from 03 February 2009 for Rs9,240. If she does not pay that amount, they will have to entertain legal action against her. From my information, Miss Guillaume does not have the money. As I said, she has just moved to Pointe aux Canonnières, because she is actually on treatment at the SSRN Hospital. So, my request - and hers also - to the hon. Minister is: is it possible for Miss Guillaume to have a Carer's Allowance from the Ministry of Social Security because she is staying with friends at Pointe aux Canonnières? The possibility for her to be treated as a beneficiary of BIP (Basic Invalidity Pension) because now she is treated as a beneficiary of Social Aid of Rs1,123. She is living on her own in Mauritius; her parents are in Rodrigues. For 20 years, she has sacrificed herself in doing sports and, as the hon. Minister just said, she has had a long career in judo. I think Miss Guillaume is in real distress right now and she needs help.

**Mr Ritoo:** Mr Deputy Speaker, Sir, I take note of all these issues. I just want to inform the hon. Member that, in fact, she owed an amount of Rs15,000 to the NHDC. I will make a request to the hon. Minister of Social Security to see whether she can increase the social aid assistance and see the possibility of intervening for the loan that she is owing to the NHDC.

**Mrs Labelle:** Mr Deputy Speaker, Sir, my question was whether this lady was receiving Social Aid or BIP, because it seems that she is not actually receiving a BIP. Maybe the hon. Minister can confirm whether this lady is receiving a BIP or Social Aid?

**Mr Ritoo:** It should be Social Aid normally. I will check it.

**Mr Lauthan:** The hon. Minister has been a sports person himself. This is a very sympathetic case and, maybe, under the National Solidarity Fund, we can give her a one-off substantial amount.

**Mr Ritoo:** I have taken note. In fact, we have paid the sum that she owed previously, i.e. Rs10,000 to the NHDC. We made an appeal to the High Level Sports Unit to pay that amount. We will try to see to what extent we can intervene with the Ministry of Social Security and other departments.

**Mrs Perrier:** Mr Deputy Speaker, Sir, does the hon. Minister not feel that it should be the duty of the Government, through his Ministry, to help this person? She has been the pride of Mauritius for years and now she is just let down with a Social Aid. It is not fair! Will Government look into the possibility to help those athletes who have served Mauritius, now that they are handicapped and cannot care for themselves?

**Mr Ritoo:** I think that is what we have been discussing so far, because even if it is through the Social Security or any Unit in my Ministry, the Government is helping her.

**The Deputy Speaker:** Last question, hon. Mrs Labelle!

**Mrs Labelle:** Thank you, Mr Deputy Speaker, Sir. May I ask the hon. Minister whether this athlete was under a particular insurance cover, because from what I have just gathered, she has been injured while practising this sport? Was there a particular insurance cover for this athlete?

**Mr Ritoo:** Normally, every athlete who participates and practises any discipline is supposed to be covered through an insurance cover by the federation. In fact, she was injured in 1997 while training at the Royal College of Port Louis and she was given all due attention through the hospital and the Medical Unit. But, she was insured.

**The Deputy Speaker:** Last question, hon. Spéville!

**Mr Spéville:** The hon. Minister just said that she was insured, but from my information, since Miss Guillaume was injured in 2007 at the gymnasium, she has not received any insurance cover and that is why she left judo and started working on her own. And now, as I said, she is really in a mess and I am really sad for her. I am making a plea to the hon. Minister and to the Ministry of Social Security to come to a real figure to get her out of where she is now.

**Mr Ritoo:** I will try to see with the federation.

#### **OVERSEAS TREATMENT SCHEME - MEDICAL EXPENSES**

**(No. B/926) Mr J. R. Spéville (Second Member for Rodrigues)** asked the Minister of Health and Quality of Life whether, in regard to medical expenses incurred for patients who had undergone surgical operations in South Africa, India and other countries, he will state the amount of funds disbursed, since January 2006 to date, indicating the number of patients, from mainland Mauritius and Rodrigues, who have benefitted from the Overseas Treatment Scheme.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, the aim of this Government is to provide quality medical care including high tech medicine to our patients. Although our hospitals have made significant progress towards tertiary health care, my Ministry still relies on internationally renowned centres to treat complex cases in such fields as cardiology, ophthalmology, neurosurgery and cancer.



Mr Deputy Speaker, Sir, I am informed that since January 2006 to June 2009, 1,762 patients including 13 from Rodrigues have benefited from the Overseas Treatment Scheme and an amount of Rs175 m. has been disbursed. The cost of treatment for the 13 patients from Rodrigues is around Rs1.1 m.

### NTC - RESTRUCTURING/TRANSFER EXERCISE

**(No. B/927) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if an organisational restructuring or transfer exercise is being carried out thereat.

**Mr Bachoo:** Mr Deputy Speaker, Sir, as I informed the House sometime back, a study has been carried out by the Consultant Kemp Chatteris Deloitte on the assessment of the financial situation and a review of the organisational structure of the National Transport Corporation (NTC). I have already placed a copy of the Report in the Library of the Assembly.

As far as the organisational review is concerned, the consultant has proposed a new structure with clear reporting lines and well-defined responsibilities for each departmental Head for allowing the Corporation to meet the challenges and exigencies of the bus industry.

In its restructuring plan, recommendations have been made for some of its activities to be reorganised.

The NTC has prepared an Action Plan, specifying the time frames and the cost for implementation of the proposed measures in the short, medium and long-term, which includes, *inter alia*, organisational reforms. The Action Plan is currently being studied by the Ministry in collaboration with the Ministry of Finance & Economic Empowerment.

As an immediate measure, the NTC adopted a Recovery Plan to reduce costs and generate extra revenue. In this context, a few middle management cadres have been reshuffled at depot level for improved efficiency.

I wish to inform the House that the Recovery Plan has produced positive results by bringing savings in costs to the tune of Rs7 m. for each of the months of May and June 2009.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether there has been any transfer of officers from the various depots of the CNT to the Head Office or elsewhere?

**Mr Bachoo:** I am informed that the Managers of a few depots have been transferred from the small depots and they have been sent to the main one.

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether the Depot Managers from the depot of Souillac and Rivière du Rempart have been transferred and, if so, by whom have they been replaced?

**Mr Bachoo:** As far as the day-to-day administration is concerned, that is the responsibility of the management and they have taken the decisions. My Ministry has been informed of the decisions and we are fully in agreement with the decisions that have been taken by the management.

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether he can give the qualifications of the officers who are now in charge of the two depots mentioned?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I have to inform the House that the middle management, that is, the workers who have been toiling and mooling for the past 20, 25 to 30 years, have taken over the depot and they are doing very well. I am fully satisfied with it and I would wish that they continue to serve in this way because at the CNT, the situation is so precarious, so much in a dangerous financial situation that we have to involve everybody from the lowest to the highest. As I have just mentioned we have taken the responsibility of taking CNT out of the situation where it has fallen and as for the steps that are being taken, definitely we'll have to wait and see the result that is coming.

**Mrs Dookun-Luchoomun:** Do I take it from the hon. Minister then that the two Depot Managers who have been transferred have not been operating at the level expected by the hon. Minister?

**Mr Bachoo:** I am not here to pass judgment on anybody, but if the management has come forward with certain concrete plans, I have no objection so far that they are going to give us good results, but, at the same time, we are against any type of punitive transfer. I have already mentioned that earlier. I have also stated that I am going to give only directives of general nature without poking my nose in the day-to-day administration because the Deloitte Report has been clear on certain things which have occurred in the past.

**Mr Guinness:** The hon. Minister is mentioning the Deloitte Report quite often. I am sure he must have come across the Deloitte report where it is said that –

“There is a difference of around Rs40 m. between traffic revenue figure obtained from various depots and the accounts based on daily banking.”

Can I know whether the hon. Minister has gone through that shortfall of Rs40 m.?

*(Interruptions)*

It must have been Rs50 m. probably, but here it is Rs40 m. Can we know from the hon. Minister whether any action has been taken, what has been the outcome of his own personal enquiry and what has been done in the case to recover the Rs40 m. shortfall?

**Mr Bachoo:** I would request the hon. Member to come with a substantive question. It is not a shortfall; in fact, it is a surplus because certain things were not even reported, nothing has been computerised in the CNT and there has been a delay in the presentation of accounts by the officers and supervisors. So, it is a surplus rather than a shortfall. In fact, I have gone through it personally and I have seen it is a surplus, not a shortfall. Ultimately, when we have balanced the account, we have found that there is neither any shortfall nor any surplus. But the account has been duly balanced, one assurance I can give you.

**Mr Jhugroo:** Will the hon. Minister confirm whether the officers replacing the Depot Managers at Souillac and Rivière du Rempart are qualified to operate as Depot Managers and whether they are drawing any allowance and, if so, can we know the amount of the allowance drawn by them?

**Mr Bachoo:** In fact, there is no replacement; it is an interim measure because we want to get the involvement of all the workers together in order to save the corporation. No one is being paid any extra sum, but they are working with a sense of zeal and dedication. I have also mentioned that...

*(Interruptions)*

Zeal, dedication and devotion at the same time. They are doing their work selflessly. I sincerely believe that if you are going to empower these workers, the net result probably may be positive.

**Mr Gunness:** It is mentioned in the report 'due to lack of fully qualified personnel in the Finance Department - we are talking about money - the accounts of the Finance Department of the NTC would not be prepared on a timely basis. In addition, the accounts may not be reliable for management to act upon.' Can I know from the hon. Minister what is being done in that particular case?

**Mr Bachoo:** I fully agree with the hon. Member and we are definitely taking steps in that direction, because, in fact, the Finance Officer or the responsible officer was on leave and I do hope that he comes back. If he does not come, then we'll have to find ways and means of filling up the vacancy.

**Mrs Dookun-Luchoomun:** The hon. Minister just mentioned that he is keen to empower all the officers at the CNT. May I know from him what about the officers who have been demoted? May I ask him what the Depot Manager of Rivière du Rempart is presently doing at the Head Office?

**Mr Bachoo:** I know that the hon. Member has got more information than me, but one thing I can tell her is that there is no demotion of any type. There has been a simple transfer and, in fact, at the centre we need plenty of workers, they have to do plenty of works. Our system is not computerised. That is the reason why we are requesting them to move to the centre and try to put a bit of order in the house.

**The Deputy Speaker:** Hon. Soodhun first!

**Mr Soodhun:** Thank you, Mr Deputy Speaker, Sir. The hon. Minister just mentioned that as a Minister he is not going to poke his nose in the affairs of the CNT. For nearly eight years, he has been Minister of that particular department before and now. So, being given where the CNT has reached now, I would like to ask him whether it is not high time for him to poke his whole body in the CNT. There are thousands of workers who are suffering.

*(Interruptions)*

**The Deputy Speaker:** Order, please!

**Mr Soodhun:** Mr Deputy Speaker, Sir, I don't think the hon. Minister is realising what is the situation. There are thousands of workers who have been tolerated and recruited by this Minister. Now, they are coming with a new programme and a new structure. So, I would like to know from the hon. Minister whether there is any redundancy with the new Action Plan.

**Mr Bachoo:** Mr Deputy Speaker, Sir, firstly, I was not Minister for eight years. Secondly, when the CNT...

*(Interruptions)*

**The Deputy Speaker:** Order! Order!

**Mr Bachoo:** Will I be allowed to answer the question, Mr Deputy Speaker, Sir? Firstly, I was not Minister for eight continuous years. Secondly, when the CNT was making surpluses, nobody opened his mouth. Thirdly, CNT had been providing all types of social services. Fourthly, we had the big problem of the rise in the price of diesel. Fifthly, we have got an old fleet. And, at the same time, we have got so many routes which the CNT has to serve and almost 50% to 60% are non-economical.

So, we have to keep all these things in our mind and, at the same time, I have to respect the existing legislation, the law, the existing Act of Parliament through which the CNT has been created, where I cannot poke my nose in the day-to-day affairs, but having said that...

*(Interruptions)*

I have been empowered by Government to look into the problem that CNT is faced with. But I can assure the hon. Member that all of us are concerned with the existing situation and that is the reason why the Minister of Finance had been kind enough to give us an advance of Rs40 m., at least, to set the house in order. That is the reason why we have to take stringent measures to see to it that every cent that we are injecting in CNT, we must find, at least, a positive answer out of it.

**Mr Gunness:** Can I know from the hon. Minister what is being done to reduce the stock level because the Deloitte Report laid a lot of emphasis on how there is overstocking? Stocks are sourced locally for Rs46.1 m. and we have millions of rupees of stocks which have become obsolete. I would like to know what is being done to put this house in order.

**Mr Bachoo:** I don't have the exact figure. The latest figure that we have has gone down by Rs15 m. It's approximately Rs31 m. and, of course, in that also, we are putting some order and we will see to it that only those spare parts which we are badly in need of will be procured.

**Mrs Dookun-Luchoomun:** May I know from the hon. Minister when was the transfers effected and whether it was before or after the Deloitte Report and whether the transfers were done under the instructions of the Minister himself?

**Mr Bachoo:** The transfers were effected - if I am not mistaken - after the Deloitte Report and, as I have just mentioned, there is no question of any type of punitive transfer. They are high level officers; they have been sent to the main office and they have to do their work.

**Mr Guinness:** Mr Deputy Speaker, Sir, had the Minister looked into the fact that the Deloitte Report stated clearly that in 2006 and 2007, on route 153, there were 500,000 students and pensioners. How is it that in 2008, on that same route, there were 5.8 million pensioners and students travelling? Can the hon. Minister enlighten us?

**Mr Bachoo:** As I have just mentioned, it is not a computerised system. The officers who had been taking notes had committed plenty of blunders and mistakes. These are the only mistakes and I may call them genuine mistakes.

**The Deputy Speaker:** Last question, hon. Mrs. Dookun-Luchoomun!

**Mrs Dookun-Luchoomun:** Thank you, Mr Deputy Speaker, Sir. I'll just ask the hon. Minister, since he said that there has been no demotion ...

*(Interruptions)*

**The Deputy Speaker:** Order, please!

**Mrs Dookun-Luchoomun:** ... and that officers have been transferred from one depot to the Head Office, could he inform the House on the scheme of duties of Depot Managers?

**Mr Bachoo:** Well, Mr Deputy Speaker, Sir, I find it very strange. I sincerely say that there have been cases, but not a single question coming from the hon. Member. This one is not a punitive transfer; this is a transfer because we don't need the Depot Managers there and the reason is very simple, we are making too much loss in those two or three depots. That is the reason why we want to remove them from those depots so that, at least, at the end, we can balance the accounts and we have to see to it that there are break evens. That is one of the reasons, and, secondly - I mention again - I maintain my point that there has not been any type of victimisation. That's all!

**The Deputy Speaker:** Time is over!

**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.

**Mr Valayden rose and seconded.**

*Question put and agreed to.*

## STATEMENT BY MINISTER

### NIGHT CLUBS & PRIVATE CLUBS - NUISANCES

**The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David):** Mr Deputy Speaker, Sir, with your permission, I would wish to make the following statement in response to the public outcry against nuisances being caused by certain night clubs and private clubs as reported in this august Assembly and in the press.

Mr Deputy Speaker, Sir, let me, right from the outset, point out that following legislative amendments brought to the Local Government Act 2003 and the Tourism Act, licences to operate night clubs are granted and regulated by the Tourism Authority since 2006. Furthermore, private clubs operating on a commercial basis, having a dance floor and selling alcoholic drinks are licensed and regulated by the Tourism Authority since 01 June 2008.

Mr Deputy Speaker, Sir, there are three night clubs/private clubs namely the Savoy at Vacoas, the Xindix Records Ltd at Lakepoint and Chocolate City in the Manhattan Complex at Curepipe that have recently been in the limelight due to noise pollution which causes public nuisance. I have requested for an internal enquiry to be carried out on these matters.

Firstly, the Savoy at Vacoas, Mr Deputy Speaker, Sir, I am informed by the Municipality of Vacoas/Phoenix that a building and Land Use Permit was issued on 08 June 2009 to Fiction Ltd to operate a private club, entertainment hall including snooker/billard in the building previously housing the Savoy Cinema hall at Vacoas. In addition to the usual condition, the following conditions were imposed –

- (i) the opening hours to be limited from 9.00 p.m. to 2.00 a.m. on Fridays and Saturdays and from 5.00 p.m. to 10.00 p.m. on the other days;
- (ii) a list of members to be submitted;
- (iii) the building to be made sound proof to the satisfaction of the Council, and
- (iv) a written guarantee to be submitted to the effect that the premises would not be used as a night club.

The company also paid a trade fee to the Municipal Council on 03 July 2009 to operate the private club. However, following complaints received on 08 July to the effect that the activities of the operator were causing noise pollution as well as traffic problem due to indiscriminate parking of vehicles, and following ex-post control effected by officers of the Municipal Council on 11 July 2009 the economic operator was, on 14 July 2009, requested to

stop all activities until such time that a proper licence is obtained from the Tourism Authority to run the private club with dancing facilities, etc.

As regards the Xindix Records Ltd at Lakepoint, Curepipe, I am informed by the Municipality of Curepipe that Lakepoint Ltd was on 20 December 2001 granted a development permit for the construction of a commercial complex comprising a night club, restaurant, food court, shops, art gallery, skating track and offices.

On 21 September 2007, a request was made by Xindix Records Ltd for a development permit for a cafeteria, a pub, a restaurant, a private club, a place of public entertainment, an advertising agency and a night club at first floor of the Lakepoint commercial building.

On 13 December 2007, the Council acceded to the request of Xindix Records Ltd and a formal application for a Building and Land Use Permit was made by the company on 06 August 2008 to operate a general retailer (foodstuff and non foodstuff with alcohol), a victualler and a private club.

The Permit and Business Monitoring Committee of the Council approved the issue of the Building and Land Use Permit on 21 August 2008. However, Mr Deputy Speaker, Sir, I have noted with concern that the permit was issued on 07 April 2009 despite the fact that the Environmental Health Unit of the Ministry had, in a letter dated 03 February 2009, notified the Council that numerous complaints had been received regarding noise nuisance from music being played at Lakepoint, and such activities should not be allowed. The Council even granted an occasional licence to Xindix Record on 30 April 2009 for a dancing party. This is totally unacceptable.

In addition, the Municipal Council had disregarded the advice of the competent authority in the matter and issued the permit. Despite the fact that since 01 June 2008, the authority legally empowered to issue licences for private clubs with dance floors, etc. was the Tourism Authority, the Council has issued such licence on 07 April 2009. The fact remains that the Council renewed the permits on 08 July 2009, disregarding public outcry on this issue.

Mr Deputy Speaker, Sir, as regards the case of Chocolate City Entertainment in the Manhattan, Curepipe, I am informed by the Municipality of Curepipe that an application was made by the company on 08 May 2009 for the conversion of part of the existing commercial unit on the second floor of Manhattan Building, Curepipe into a private club with authorisation to sell alcoholic drinks.

The Municipal Council issued a Building and Land Use permit to the company on 06 July 2009 with condition that clearance be obtained from the Mauritius Revenue Authority for the sale of alcoholic drinks without stating that the promoter must obtain a licence from the Tourism Authority in respect of the private club. As at date, no trade fee has been paid to the Municipal Council, yet the club operated illegally so much so that on 18 July, the Curepipe Police has booked the company for operating without licence.

Mr Deputy Speaker, Sir, following persistent public outcry, I intervened personally in the matter with a view to initiating appropriate action against nuisances caused by Xindix Records Ltd at Lakepoint and Chocolate City in the Manhattan Complex and yet as at this morning no action has been taken by the officers of the Municipal Council.

In these circumstances, I have requested the Permanent Secretary of my Ministry to initiate disciplinary action against all the officers who have failed in their duty.

Thank you, Mr Deputy Speaker, Sir.

*At 4.20 p.m. the sitting was suspended.*



*On resuming at 4.56 p.m. with Mr Speaker in the Chair.*

## **PUBLIC BILLS**

*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.*

**The Prime Minister:** Mr Speaker, Sir, first of all, I want to thank all the hon. Members who have intervened during the debates which have spanned over four weeks. I am glad that there is a general consensus on this very important Bill. Some valid points have been made by hon. Members. It is a very important Bill, Mr Speaker, Sir, because DNA profiling is one of the most important tools, as I said in my opening remarks, in the fight against crime and terrorism. But I must add for the benefit of, at least, one Member who thought otherwise, that it does not replace good policing and other investigative procedures. I did say when I introduced the Bill in the House, at the very beginning, that DNA must be used in conjunction with good police intelligence and investigation. But one hon. Member was under the wrong impression that DNA would replace all other investigative methods.

Mr Speaker, Sir, we have had extensive consultations as I indicated to the House. And we needed to find this balance between the rights of individuals with the rights of the public at large in the prevention and detection of crime.

As I said while doing this balancing act between the liberty of the individual on the one hand and the security and safety of the citizens of this country on the other hand, we must not forget that the victims have rights too. They have a right to see the perpetrators apprehended.

Some points have been raised by hon. Members which go to this very core issue. That is why I paid special attention to what hon. Members have suggested and what has been said outside this august Assembly by some eminent persons and Judges abroad, that debate is an ongoing one worldwide. As I said, some of the points raised are valid and I have taken them on board as they raise some genuine concerns that we, too, have. That is why amendments have been circulated. I will come to the amendments in a few minutes, but let me, first, address and clarify some of the other points raised during the debate.

First of all, there is the point of imbalance. The point was raised by the hon. Leader of the Opposition and some other Members on this issue of imbalance between the objective of crime detection and the protection of the population and the issue of using DNA to free innocent people. Mr Speaker, Sir, I don't need to come back to what I have already said about the intrinsic

nature of this Bill to exculpate innocent people at the very early stage. However, the point raised by the hon. Leader of the Opposition, in my humble view, is more a matter of evidence and procedure rather than one of substance, if I may use a legal jargon.

Let me explain, Mr Speaker, Sir. We have to bear in mind that with the coming of this Act, we are to have a systematic keeping of DNA samples obtained from the crime scene; I think it is clause 9(5) of the Bill.

In the scenario envisaged by the hon. Leader of Opposition, we have had a trial and a conviction. In that scenario, Mr Speaker, Sir, as it is now, I am advised that normally exhibits are destroyed after disposal of a case, hence also the destruction of the DNA sample.

This Bill is not a stand-alone Bill. It integrates the Criminal Justice System now prevailing in Mauritius and DNA is one of the investigating tools that will be put at the disposal of the police, and the DNA Report, which will encapsulate the opinion of the FSL Expert, will be adduced as evidence before our courts.

The issue, therefore, can be viewed as follows –

Can a convicted person, in the present state of the law, adduce DNA evidence to have his conviction quashed?

The answer, Mr Speaker, Sir, is unequivocally yes.

First, the President of the Republic can make a referral to the Supreme Court under section 21 of the Criminal Appeal Act if there are new considerations arising in the case of a person convicted before the Supreme Court.

Section 21 of the Criminal Appeal Act provides and I read on the Prerogative of mercy –

“Nothing in this Act shall affect the prerogative of mercy, but the President, on the consideration of any petition for the exercise by him of mercy, having reference to the conviction of a person before the Supreme Court or to the sentence passed on a person so convicted may, if he thinks fit, at any time –

- (a) refer the whole case to the Court and the case shall then be heard and determined by the Court as in the case of an appeal by a person convicted; or
- (b) where he desires the assistance of the Court on any point arising in the case with a view to the determination of the petition, refer that point to the Court for its opinion and the Court shall then consider the point so referred and furnish the President with its opinion on the point.”

Second, the Supreme Court can hear fresh evidence on appeal if there is new evidence which was not available at the time of conviction. Evidently, DNA evidence will be fresh

evidence in the case of a convicted person prior to the coming into force of this Bill and where DNA has not been used as part of the investigation process.

Third, the Supreme Court has, under section 17 of the Constitution, the power to make an order directing a new trial whenever the situation so requires, that is, the fundamental right of a citizen has been breached under the Constitution, Chapter II Rights, which includes the right to a fair trial.

Section 17 on Enforcement of protective provisions says, and I'll read out the provisions

—

- “(1) Where any person alleges that any of sections 3 to 16 has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the Supreme Court for redress.
- (2) The Supreme Court shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1), and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of sections 3 to 16 to the protection of which the person concerned is entitled:  
  
Provided that the Supreme Court shall not exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.
- (3) The Supreme Court shall have such powers in addition to those conferred by this section as may be prescribed for the purpose of enabling that court to exercise the jurisdiction conferred upon it by this section more effectively.
- (4) The Chief Justice may make rules with respect to the practice and procedure of the Supreme Court in relation to the jurisdiction and powers conferred upon it by or under this section (including rules with respect to the time within which applications to that court may be made).”

This issue was considered by the Supreme Court in many cases, for example, in the famous case of de Boucherville, the 1996 Supreme Court Judgment, Jhoolun v/s the State, the 2005 Supreme Court Judgment and recently in the case of Hurnam v/s the State and others in 2007 where, as I have stated, they obtained the judicial blessing.

Quite clearly, a convicted person will have all the guarantees that pertain to the Criminal Justice System and the Constitution, as have been stated in the cases I have cited above.

In any case, additionally, as I explained, the words “for the purpose of determining the connection with and involvement of a person in an offence” means determining whether that person is actually connected or involved or not with the said offence, that is, it includes eliminating the innocent. That is what “determination” here means, Mr Speaker, Sir.

As for the keeping of DNA records, here, I have to qualify what the hon. Leader of Opposition and some other hon. Members have said. As a matter of fact, where a person has been released or acquitted or not prosecuted, his DNA profile can be kept - as it is before the amendment - for a period of 10 years. However, upon simple notification by that person that he wants his DNA profile to be removed from the database, the Director has two years to remove the profile from the database. That is how it is now. That person, moreover, has the option to seize the Supreme Court, additionally, which has the power under clause 11 of the Bill, to order the immediate destruction of a DNA sample or erasure of a DNA profile. Naturally, this is on the assumption that that person is not involved in an offence which is under investigation or has previously been convicted of an offence.

Also, we have to note, Mr Speaker, Sir, in the Marper Case, which I cited in my opening speech, the European Court of Human Rights did not pronounce on the manner in which the United Kingdom had to comply with its findings that “indefinite and indiscriminate keeping of an innocent person’s DNA sample or profile is contrary to Article 8 of the Human Rights Convention”. But what it did recognise is that each country has a “margin of appreciation” and that it is for their national institutions to strike the right balance between the right of the individual and the right of the public and also the right of the victim.

Further, the European court expressed its satisfaction at the Scottish practice, which hon. Members would note that it implies three years compulsory retention of a DNA profile, which can be further extended by another two years. Here, I am referring to a person who has not been prosecuted or has been acquitted.

I do take note that some members have advocated indefinite retention as well, and that we are not bound by the Marper jurisprudence, and they have also, rightly identified the pressing need to constitute an effective database.

Once again, Mr Speaker, Sir, notwithstanding all this, given that this is a consensual Bill, I have circulated an amendment to clause 10 of the Bill where the periods are being reduced from 10 years to 5 years, from 2 years to 1 year respectively, so that now the sample will be more or less half the number of years it can be kept.

An amendment in relation to paragraph (a) of clause 10(2) has also been circulated to make it clear that a person who is convicted of an offence will have his profile kept on the database.

This constitution of the database, as a number of interveners have mentioned and as I had stated in my opening speech, Mr Speaker, Sir, is crucial for the efficiency of this new investigative tool, inasmuch as it will allow a more intelligence based approach. These amendments, Mr Speaker, Sir, I believe, will reconcile the need to allay the concerns of some

hon. Members on the privacy issue, whilst ensuring, at the same time, that we have an effective database which is of concern for the interests of the public at large.

The question of FSL Supremacy -

(I) Supervision

Again, I feel that there has been a misreading of the Bill. I have taken note of the fact that the hon. Leader of Opposition and some other hon. Members have referred to the United Kingdom and of the different layers of safeguards, in particular, regarding the ethical issues and the independence of the FSL.

It is important, Mr Speaker, Sir, to bear in mind that the context of the UK is different. In the UK, the database is owned by the Home Office and the profiling is done by a number of private laboratories. This explains the need to have a number of supervisory and advisory bodies to the Home Office. Here, we have a completely different situation.

I would like, once again, to reassure Members of the House that the FSL is not without supervision.

First, it is to be noted that we have not yet constituted a database; we don't have a database as such. This will take some time. Furthermore, the FSL is a Government funded institution and is, therefore, subject to the check and balances which a public body is subjected to, including having the responsible Minister answering questions in Parliament, in this very august Assembly.

Second, the database is being constituted for a very specific and limited purpose as disclosed in this Bill, that is, for crime prevention and detection, as well as for eliminating the innocent at the very early stage of inquiry.

Third, information can only be disclosed from that database in very restricted circumstances, as specified in clause 13 of the Bill, namely –

- (1) to the Police or to the court in the course of criminal proceedings;
- (2) to the person from whom the sample was taken, and
- (3) to a Judge, upon a Judge's order.

It is further to be noted that if a person discloses that information without lawful authority, that person is liable to be prosecuted and can be fined for up to Rs50,000 and to undergo a term of imprisonment not exceeding 2 years.

Fourth, the FSL does not operate in the vacuum. It is an institution that operates under the aegis of the Prime Minister's Office and, as per clause 18, the Minister can make regulations for the purposes of this Bill.

As hon. Members are fully aware, all regulations have to be laid before the Assembly (section 20(2), Interpretation and General Clauses Act), and are published in the legal supplement of the Government Gazette. This ensures, Mr Speaker, Sir, adequate transparency of the measures taken.

In addition, the FSL and the Commissioner of Police have a duty to put in place a number of guidelines and protocols, which will further enhance the transparency of the procedures applicable.

Lastly, Mr Speaker, Sir, we must not overlook that there are overriding powers of the Judiciary. These are twofold -

- (1) Inevitably, the FSL procedures will be submitted to scrutiny during the course of a trial whenever there is a prosecution and reliance has been placed on DNA evidence. They will be subject to scrutiny. The Defence will have all the latitude to question the process, given that section 10(2)(e) of our Constitution provides that an accused party -

“shall be afforded facilities to examine, in person or by his legal representative, the witnesses called by the prosecution before any court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before that court on the same conditions as those applying to witnesses called by the prosecution”.

The Director of the FSL will, therefore, not be immune to this process.

- (2) Furthermore, Mr Speaker, Sir, there is the overriding power of the Supreme Court, at clause 11 of the Bill, whereby a person can at any point have recourse to the Judiciary for remedial orders. This is in addition to the powers of the Supreme Court under section 17 of the Constitution for constitutional redress if there is a breach of the fundamental rights of the citizen, as I explained earlier.

The Leader of the Opposition has also referred to the Horswell report. The report dates some years back. A lot of water has gone under the bridge since that report was published, Mr Speaker, Sir. I have also taken note that some Members have raised issues on the status, in particular, the capacity of the FSL to provide the appropriate service.

As I have stated in my opening speech, this Bill forms part of an array of measures we have taken since my Government took power, in fact, since 1995. I have had the opportunity of enumerating the various training programmes and the heavy financial investments we have made, and the enhancement both in terms of equipment and human resources. We have had the collaboration of the FBI, the Forensic Science Services of the United Kingdom, South Africa, and Staffordshire University, as well as the French authorities.

A lot of background work was done before this Bill was presented to the House. In its scoping study (this is an assessment of the FSL) last year, I think it was in March 2008, the Forensic Science Services, which is one of the world recognised laboratory services, stated, and I quote –

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

The quality of the equipment used in the laboratory is mainly good, particularly in the DNA section that has received recent investment and upgrading.”

On the quality, it says -

“The laboratory is striving to be accredited to the quality standard ISO 17250. With regard to DNA and Biology, good progress has been made...”

On the DNA section, it says -

“This is the newest section of the laboratory and the most supported in terms of equipment, training plans and standard operating procedures and general quality assurance”.

At present, Mr Speaker, Sir, there are six persons trained to report DNA cases having received training in South Africa. A number of cases have been undertaken; the section has undertaken successful trials already.

As for DNA profiling, this is what it says -

“Mauritius now has a workable system for DNA profiling.

The laboratory is operating to the DNA Advisory Board Guidelines of the United States.

... (The lab)... have participated in a Collaborative Testing Services in the USA”.

And for the skills of the DNA Unit staff, it says -

“Competency was successfully demonstrated through written and practical examinations.”

I think, Mr Speaker, Sir, these words speak for themselves. I’ve heard hon. Members making reference to information that have come to their attention. However, it is always a good thing to remind oneself that the source of information is also an important factor and, sometimes, you get selective information, which may be dangerous.

What I have stated above comes from an independent, world recognised Forensic Science Service Supplier, and we should give credit, I think, Mr Speaker, Sir, to the scientists and staff of the FSL who have put in the additional effort, as required by the Government.

I believe that hon. Members can be reassured, and hon. Pravind Jugnauth has obtained the clarifications he was seeking by what I have stated above, namely –

- (a) The staff and police officers have followed rigorous training and are qualified;
- (b) The FSL, the DNA Unit, has “the state-of-the-art” equipment;
- (c) The FSL, DNA Unit, is already operating in accordance to internationally accepted standards, namely DNA Advisory Board Guidelines of the United States;



- (d) The DNA Unit of the lab is seeking accreditation to quality standard ISO 17250, which is an International Standardisation Organisation.

This accreditation, Mr Speaker, Sir, will allow national and international credibility, ensure customer confidence, ensuring that the results are indisputable and satisfy the court's requirements.

In order to be able to achieve this goal and to prove that the quality assurance system is being established in accordance to the ISO standards, a standard quality documentation is being prepared to define quality policy and objectives, and to describe principles, rules and the organisation.

I am advised that these documentation will, in addition, include the issue of chain of custody, which was raised, I think, by hon. Jugnauth, and evidence handling, which some hon. Members have also referred to.

On the issue of research, Mr Speaker, Sir, it is to be noted that this Bill is not here to regulate research in the field of human DNA in general, nor is it for any other purpose, whether environmental or whatever. This Bill is concerned with crime detection and with provision made for filiation cases at the request of the parties and upon the order of the court. An opening for research has to be made, given that this technique is an evolving one, and we need to establish DNA population statistical database for the purposes of statistical interpretation of the results of forensic analysis.

Members may wish to note, at this stage, that I have circulated an amendment to clause 8, the result of which will be that any case of filiation under the Code Civil will be covered by this clause. This point was raised by hon. Mrs Daureeawoo.

Mr Speaker, Sir, as I did mention in my opening address, since its "establishment" in 1984 by Sir Alec Jeffreys at the University of Leicester, this technique has evolved and evolved considerably. The main steps in the technical process are –

- (a) Extraction;
- (b) Quantification;
- (c) Amplification;
- (d) Electrophoresis, and
- (f) Analysis.

Different techniques are being used in different countries, Mr Speaker, Sir. For example, in the United Kingdom, they migrated to the Second Generation Multiplex system in 1995, what is called the (SGM). Then, they have moved to the SGM Plus in 1999; in other words, it is evolving.

In DNA analysis, we have the STR analysis, what is called the short tandem repeat, that is, the analysis of a specific part of the DNA. I further understand that techniques have now been developed to have what is called a low copy number (LCN) DNA profiles, which technique

permits the analysis of extremely minute cellular residues; apparently, only two cells would be enough.

In Mauritius, we are using the South African technique, which is itself inspired from the United States. As you are probably aware, Mr Speaker, Sir, the Interpol Standard Set of Loci (ISSOL) requires a database of 6 STRs. My understanding is that the FSL is using 9 plus 1 STRs; therefore well in advance of some other countries. Countries like the United States can work up to 20 STRs, I should say.

Developing and refining these techniques will require extensive research in the field. In any case, any research will need the approval of the Minister for Home Affairs, this in addition to the practical aspect of financial resources.

However, to ensure that these parameters are clearly understood and compiled with, I have circulated an amendment to clause 2, which will provide for a definition of “research”.

The hon. Member has also mentioned whether the police officer is a qualified person. We have to note, Mr Speaker, Sir, that police officers will only take samples of non-invasive procedures, that is, principally from the buccal swabs. In any case, it is not any police officer that will be doing the sampling, but the one who has been authorised by the Commissioner of Police, evidently in line with such protocols and guidelines as would have been developed, and after the appropriate training. Hon. Members will also note that training has already been imparted and it is an ongoing process as we have further training going on at this very time.

Lastly, Mr Speaker, Sir, one should not forget that in our Criminal Justice System, or the Civil System for that matter, a Scientific Officer is an “Expert Witness”, and by way a civilian is not a police officer. As an expert witness, that Scientific Officer or Technician is there to enlighten the court in the area of his or her expertise. His or her first duty is to the court. His or her opinion will have to be based on facts and evidence gathered as a result of a rigorous application or scientifically tested and accredited procedures, hence, it has to be independent, it will be independent and impartial.

With this Bill, Mr Speaker, Sir, we are putting at the disposal of our investigating authorities a powerful investigating tool, which will further strengthen the independence and impartiality of any enquiry in the future.

As I said in my closing remarks on the Second Reading, those who participate in criminal activity must know that they will face the full gamut of a new and powerful technology that will ensure that they pay the consequences of their criminal activity.

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

*Question put and agreed to.*

*Bill read a second time and committed.*

**COMMITTEE STAGE**

*(Mr Speaker in the Chair)*

**THE DNA IDENTIFICATION BILL**

**(No. XII of 2009)**

*Clause 1 ordered to stand part of the Bill.*

*Clause 2 (Interpretation)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**The Prime Minister:** Mr Chairperson, I move that clause 2 be amended as follows –

“by inserting, in the appropriate alphabetical order, the following new definition –

“research” means any research by the FSL for the purpose of enhancing its forensic analysis techniques with a view to assist the police or the Court in any investigation under this Act;”

*Amendment agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clauses 3 to 7 ordered to stand part of the Bill.*

*Clause 8 (DNA sample to establish filiation)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**The Prime Minister:** Mr Chairperson, I move that in clause 8 the words “article 340 or 341 of” be deleted.

*Amendment agreed to.*

*Clause 8, as amended, ordered to stand part of the Bill.*

*Clause 9 ordered to stand part of the Bill.*

*Clause 10 (DNA Data Records)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**The Prime Minister:** Mr Chairperson, I move that clause 10 be amended as follows –

- “(i) in subclause (2) –
  - (A) by adding, after the word “person”, the words “whose DNA sample has been taken”;
  - (B) in paragraph (a), by deleting the words “following proceedings in which his DNA sample has been adduced in evidence”;
- (ii) in subclause (4), by deleting the words “10 years” and “2 years” and replacing them by the words “5 years” and “one year”, respectively, and
- (iii) in subclause (5), by deleting the words “2 years” and replacing them by the words “one year”.

**Mr Bérenger:** Mr Chairperson, I have to say a few words on this amendment. If you will allow me, I will just go back to what was provided in the Bill. As we know, the European Court of Human Rights said that somebody found innocent or not placed before the Court, his DNA data should be destroyed. UK decided, in the light of that judgment, to suggest - because it is not yet done, it is being debated - that in the case of serious crimes, it could be kept for 12 years and 6 years for non-serious crimes.

The clause being amended here provided that in serious crimes the DNA data could be kept for 10 years and 2 years for non-serious crimes. Now, this is being brought down to 5 years and 1 year. It is the wording of that paragraph, even with the amendment, that disturbs me a bit and I would like to put it before the House and the hon. Prime Minister. Maybe, we could have included, because as the paragraph stands, “the DNA data may be kept”, it does not “have to be” kept; but it “may be” kept now for a period not exceeding 5 years. It may be kept.

My concern is that the Director of the FSL specially should not interpret that as being “shall be” kept for a period not exceeding 5 years. The point should be made that it “may be” kept. We could have put conditions under which it may be kept. We have done that, we leave it to the Director of the FSL. But, through my intervention - and I’ll listen to the reaction of the Prime Minister - I think that the message should go to the Director of the FSL that he does not “have” to keep the DNA data of everybody. He must be convinced that it is for the public interest that it may be kept and that it may be kept for a period not exceeding now 5 years. That is, the Director of the FSL may decide that there is need to keep, but then after a year or two he may decide that there is no longer the need. So, I am making the point that the Director of the FSL should not interpret the amendment that we are bringing to that clause as saying that DNA has to be kept for a period not exceeding 5 years.

In the same vein, if somebody makes a request to the Director in writing saying that “I want my DNA data to be destroyed”, the Director shall in that case - it is not ‘may’ - cause the data to be erased within a period of 1 year now. Therefore, there also, I think, it should be brought to the attention of the Director that he does not have to wait for that 1 year when he has to, or “shall”. The word ‘shall’ is used. He can erase it earlier, because it is within a period of 1 year. I wanted to make that point so that the right message goes to the Director of the FSL, but it is definitely an improvement on what was provided for in the Bill itself.

**The Prime Minister:** I am sure that it should be interpreted according to the words that it is saying. In any case, I want to say again that a person can apply if he is not satisfied for one reason or the other to the Supreme Court for immediate erasure.

**Mr Bérenger:** We are at Committee Stage. There, if the law has been used illegally, it is not at the request of the person concerned, if he persuades the Supreme Court that his DNA has been kept outside the law, it is not the same thing.

**The Prime Minister:** Yes, it is not the same thing, but this guarantee is still there and he can still apply to the Supreme Court. In any case, the Director will have to go by the wording of the Act. I can't see what otherwise can be done, but maybe that point has been made even clearer now.

*Amendment agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clauses 11 to 21 ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

*On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.*

### *Third Reading*

*On motion made and seconded, the DNA Identification Bill (No. XII of 2009) was read the third time and passed*

*Second Reading*

**THE FINANCE (MISCELLANEOUS PROVISIONS) BILL**

**(No. XVI of 2009)**

*Order for Second Reading read.*

**The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen):** Mr Speaker, Sir, I move that the Finance (Miscellaneous Provisions) Bill (No. XVI of 2009) be read a second time.

The Bill provides for the implementation of measures announced in the Budget Speech and for strengthening and streamlining of certain other provisions relating to revenue, public finance, banking and financial services, including consequential amendments. I shall focus on the legal framework and provisions being made to implement measures and policies announced in the Budget.

Mr Speaker, Sir, since May 2008, we have been formulating and implementing policies to ward off the fallouts of the financial turmoil and of the worst global recession in many decades. This year's Budget is a major action plan for the next 18 months, acting on all fronts to ride out the global crisis with emphasis on saving jobs, protecting people and preparing for the recovery. The plan includes sectoral policies, actions to strengthen the financial system, to support enterprises that are vulnerable to the crisis but can be viable in the recovery, to protect people from sliding into unemployment and poverty, to invest now in the infrastructure of tomorrow so that jobs can be created, and to prepare for the recovery. The actions in the Budget also strengthen the positive spin-offs from earlier efforts to stimulate the economy, in particular, the Additional Stimulus Package presented in December, last year. The large number of clauses and enactments being amended bear out the reach and depth of the action plan being implemented.

Against that background, I would like now to elaborate on the main contents of the Bill. The key amendments relate to -

- (a) shoring up the performance of key sectors of the economy;
- (b) business facilitation;
- (c) social solidarity and obligation;
- (d) management of financial resources in the public sector, tax policies and greater fiscal responsibility;
- (e) improving project realisation capacity in the public sector;
- (f) promoting governance among state-owned companies;
- (g) fighting financial crimes;
- (h) preventing non-citizens from acquiring residential properties without the required authorisation, and
- (i) employment relations, employment rights and related matters.

Mr Speaker, Sir, I will start with the amendments relating to shoring up the performance of key sectors of the economy.

### **The agricultural sector.**

The Mauritius Sugar Authority Act is being amended to provide for the rate of cess leviable on the proceeds of the sugar crops for 2009 and 2010 of small planters (defined as those whose acreage on 01 June 2009 did not exceed 5 hectares) to be 80 percent of the global rate of the annual cess.

A consequential amendment is being made to the Sugar Industry Efficiency Act following the replacement of the Labour Act by the Employment Rights Act 2008. The Sugar Industry Pension Fund Act is being amended to provide for the portability of pension, where an employee in the sugar industry has completed 2 years' service instead of 5 years' service as is the case for other employees in the private sector.

The Sugar Insurance Fund Act is being amended to extend to sugar refiners the insurance cover provided by SIFB against cyclones, drought or excessive rainfall to sugar refiners.

### **The tourism sector**

The tourism sector is the most severely hit by the global recession, where thousands of jobs can be at stake. There are a number of measures announced in the Budget to give greater breathing space to small, medium as well as large operators in that industry. These measures require a number of amendments to existing legislations.

This Bill is amending the State Lands Act to further stimulate the hotel sector. Opportunity has also been taken to clarify certain provisions of the law. The amendments, Mr Speaker, Sir, are as follows -

- (i) small hotels on less than one hectare of land and having fewer than 50 bedrooms will pay, in respect of the period 01 July 2009 to 31 December 2010, rental under their previous lease conditions instead of the rental payable under the new lease agreement;
- (ii) the arrears in rental due to the delay in finalising the new policy on industrial site leases will be, for small hotels, payable in 5 equal yearly instalments without interest and in the case of other hotels, payable in 3 equal yearly instalments, with interest at 5%, the first instalment being due by end of January 2011, and
- (iii) the annual rental in respect of islets and other State lands under restricted development will be subject to such adjustment and reduction as may be prescribed.

In the Budget, we have announced an alternative financing scheme to boost investment in the tourism sector. Accordingly, this Bill amends the Investment Promotion Act to provide for a legal framework for the implementation of an Invest Hotel Scheme (IHS) that will allow hotel developers to finance hotel projects on State land by selling villas, suites and hotel rooms under

*Vente en l'État Futur d'Achèvement* (VEFA) to citizens and non-citizens. Under this scheme which will democratise ownership in these various developments I have just mentioned, the buyers will be under the obligation to lease back the property to the hotel developer. The Real Estate Development Scheme regulations will be amended accordingly.

The Tourism Authority Act is being amended to better regulate private clubs, tourist enterprise and for the regulation of the activities of whale and dolphin watching. It also regularises the payment of any charge or fee under the Act to be paid into the Consolidated Fund.

Mr Speaker, Sir, to better protect employees and self-employed in the tourism sector, contributions to the Tourism Employee Welfare Fund are being extended to companies providing entertainment services to hotels. Provision is also being made to allow a self-employed singer, musician or performer, at his option, to make a monthly contribution to the Fund according to such rates as may be prescribed.

### **The construction sector**

A number of amendments being made relate to policies announced in the Budget to stimulate activities in the construction sector.

The 5% additional land transfer tax introduced last year and the higher rate of 10% applicable on transfer of immovable property are being suspended in respect of deeds of transfer signed on or between 23 May 2009 and 31 December 2010. Thus, during that period, there will be a single rate of land transfer tax at 5%.

The Bill also provides for extending the exemption from land transfer tax and registration duty for construction of buildings exceeding Rs50 m. to projects on leasehold land including State land. I should stress, Mr Speaker, Sir, that no exemption of duty and tax will be granted on the sale of building constructed on State land. The provisions relating to the registration and monitoring of such construction projects by MRA are being accordingly amended.

Lessees of State land (15 perches or more, hotel, bungalow complex or guests house and city centre of Port Louis) had up to 30 June 2009 to opt to enter into a new lease with the revised rentals. This time limit is being extended to 30 September 2009.

The Bill allows a developer of an IRS or RES project to pay land transfer tax on the transfer of a residential property under *Vente en l'Etat Futur d'Achèvement* (VEFA) in 4 equal 6-monthly instalments, on submission of a bank guarantee.

The Professional Architects Council Act is being amended to include the definition of "Government company" which though appearing in the Amendment Bill passed in the Assembly in March 2002 was mistakenly omitted when the Act was, in fact, assented. This definition allows a foreign architect to practise architecture for a Government company in which the Government owns directly or indirectly at least 50% of the share capital, without having to enter



into a joint venture with a professional architect registered in Mauritius. The amendment is necessary in the context of the implementation of the Airport Extension Project.

### **Financial Services**

Mr Speaker, Sir, notwithstanding the remarkable dynamism of our financial services sector, in particular the banking industry, at a time when the global financial system itself is in total mayhem, this Bill is bringing a number of amendments to the legal framework that will further strengthen our financial system and uphold its integrity and its reputation.

The Banking Act is thus being amended to provide for –

- (i) the clarification that a licence to a cash dealer, foreign exchange dealer or money changer can only be issued to a body corporate instead of to a person;
- (ii) the issue for an approval in principle, prior to the issue of a banking licence;
- (iii) the approval of the central bank where a non-bank deposit taking institution extends its network of branches, closes or keeps closed a place of business or changes the location of its business;
- (iv) better definition of net-owned funds;
- (v) the internal control system and the reporting of suspicious transaction to FIU to also apply to non-bank deposit-taking institutions and cash dealers, and
- (vi) the section relating to the settlement of the deposit liabilities of a bank in the event of winding up be also applied to a non-bank deposit-taking institution.

Mr Speaker, Sir, the Bank of Mauritius Act is also being amended to provide –

- (i) in the context of the establishment of the Credit Information Bureau, for a utility company to require any of its customers to provide it with the necessary identification details;
- (ii) for the increase in membership of the Monetary Policy Committee by one additional member appointed by the Minister. Mr Speaker, Sir, this is being done at the request of the Bank of Mauritius so as to appoint Mr Mario Blejer, ex-Governor of the Central Bank of Argentina, as a full-fledged member. In fact, Mr Blejer was offered to be a member of the MPC right from the beginning, but could not accept because he was also adviser to the Governor of the Bank of England. Instead he has been an honorary adviser to the MPC at the Bank of Mauritius. Now that he is able to join as a member, the Bank of Mauritius has requested that he be appointed as an additional member.
- (iii) for the setting-up of a Financial Stability Committee under the Chairmanship of the Minister and comprising the Governor, the Financial Secretary and the Chief Executive of FSC, to regularly review and ensure the soundness and stability of the financial system.

The Financial Services Act, the Insurance Act and the Securities Act are being amended to provide for –

- (i) a Category 2 Global Business Licence to file a financial summary in the form required for small private companies under the Companies Act with a view to upholding the reputation of Mauritius as a clean, transparent, cooperative and compliant jurisdiction. However, to maintain a degree of flexibility, FSC will make rules to exempt any class of corporations from this requirement;
- (ii) the consolidation of the provisions relating to the Review Panel which looks into the cases of aggrieved persons. Consequential amendments are being made to the Insurance Act and the Securities Act;
- (iii) for the exchange of information, under condition of confidentiality, with a public sector agency, a foreign supervisory institution, a law enforcement agency or an international organisation.

### **Freeport**

Mr Speaker, Sir, the Bill is also amending the Freeport Act to allow freeport operators to sell on the local market up to 50% of their total transactions instead of the current 20%. It also provides for the combination of the Freeport Licence and the Freeport Certificate into one single authorisation, namely a Freeport Certificate. Greater autonomy is being given to a freeport developer to control and administer its freeport zone. Post audit control by MRA and Board of Investment is being strengthened.

The power given to BOI to grant authority to freeport operators to undertake paper trading activity is being removed as from 01 July 2009. Authority already granted will be made to lapse on 30 June 2011 so as to give ample notice to these operators. It is being clarified that until that date, paper trading activities carried out will be exempted from income tax.

### **Importers of Motor Vehicles**

The Customs Act is being amended to enable motor vehicles lying in bonded warehouse at 01 October 2008 or entering therein between the period 01 October 2008 to 31 December 2009 to remain there up to 31 December 2010. This measure, Mr Speaker, Sir, aims at relieving importers who are unable to sell their vehicles during this difficult period.

### **Business Facilitation**

Mr Speaker, Sir, business facilitation has been a core policy of Government to attract investment, further open up the economy and boost global competitiveness. In this year's Budget also, business facilitation has been given a prominent role in particular to support our efforts to ride out the crisis.

This Bill amends the Business Registration Act to remove the registration renewal requirements of every 3 years.

Changes are also being made so that a person will be able to start operating his business 2 days after having applied for registration instead of 14 days.

The *Code Civil Mauricien* is being amended to allow property developers to request a maximum deposit of 25% of the value of the property, instead of 5%, at time of reservation under *Vente en l'État Futur d'Achèvement* (VEFA).

The Companies Act is being amended to provide mainly for –

- (i) the increase in the turnover threshold to qualify as a small private company from Rs30 m. to Rs50 m.;
- (ii) allowing law firms and legal consultants to certify the constitution of a company as is the case for a law practitioner;
- (iii) a company other than a private company to also file with the Registrar a copy of the annual report required to be sent to shareholders, and
- (iv) where an objection to strike off the name of the company from the register is lodged, proof of the ground of objection should be filed with the Registrar within 6 weeks of the date of the objection, failing which the objection will lapse.

Last year, the State Lands Act was amended to provide, *inter alia*, that in the case of a large investment project, deemed to be in the economic interest of Mauritius, the annual rental may be reduced by such amount as may be determined by the Minister. In this Bill, the period of lease in such a case is being extended to a period not exceeding 99 years, instead of the normal 60-year lease. The provisions relating to the Permit Review Committee set up last year under the Customs Act to review the import and export permits are being repealed at clause 9(d). That Committee set up with a view to simplifying the process and procedures, has submitted its recommendations within the prescribed time frame.

The Local Government Act 2003 is being amended to provide for the non-application of the fees leviable by a local authority to the National Empowerment Foundation (NEF). With the proposed amendment, the NEF will not be required to obtain a licence either in Rodrigues or in Mauritius.

To prevent abuse of land resources, it also provides that no authorisation for the development of land or construction of a building or structure on mountain reserve or river reserve or along a motorway or for use as a private club, night club or place of public worship, without the prior approval of the Minister.

### **Social solidarity and obligation**

Mr Speaker, Sir, the Bill also amends legislation to allow for the implementation of a number of solidarity measures announced in the Budget.

The Income Tax Act is being amended to provide for the special levy on profitable banks to be increased to 3.4% of profits and to 1% of turnover for the next two financial years.

The Bill provides for payment of a solidarity levy by providers of fixed and mobile telephony services for the next two financial years. A levy of 5% of book profits and 1.5% of turnover will apply to profitable companies. The levy will not apply to a provider engaged

exclusively in the provision of Internet services or Internet telephony services or international long distance services as referred to in the Information and Communication Technologies Act.

Mr Speaker, Sir, I now come to the amendment being made to implement the measure to promote corporate social responsibility. As I have said in the Budget, the response of the private sector to CSR has been uneven. In the face of the global crisis, families living in poverty and those with modest income are the most vulnerable. We have, therefore, required all profitable firms to either spend 2% of their profits on CSR activities approved by Government or to transfer these funds to Government to be used in the fight against poverty among others. We expect the CSR programme or the direct payment to Government to provide some of the resources to underpin the efforts of the Ministry of Social Security to build up a strong NGO community through the development of four pillars namely –

- building capacity of NGOs;
- providing adequate financial/technical and human resources to support NGOs in programme implementation;
- setting up of a professional corps of volunteers for NGOs to tap into, and
- an appropriate monitoring and evaluation system for programmes.

To this end, the Income Tax Act is being amended to provide for profitable companies to make a contribution equivalent to 2% of their book profits, for Corporate Social Responsibility programmes and activities. For this purpose, any programme or NGO shall be deemed to be an approved programme or an approved NGO if it falls within the guidelines issued, with the approval of the Minister, by a committee. The committee will be appointed by the Minister and will consist of a Chairperson and not more than 6 other members comprising of representatives from the public sector, private sector and civil society. For accounting and control purposes, the company will have to set up a CSR Fund equivalent to 2% of its book profit, after tax and levy, derived during the preceding year. The book profit will also be adjusted to exclude profits or losses arising from sale or revaluation of fixed assets. Where, in respect of a year, the amount paid out of that CSR Fund is less than the 2%, the difference will have to be remitted to MRA at the time the company submits its return of income tax. This contribution will not apply to a company holding a global business licence (offshore company), a non-resident *société*, or a trust and to Segment B banking transactions. It will also not apply to an IRS company which is already required to contribute Rs200,000 per villa.

The Social Aid Act is being amended to extend the definition of “child” to cover an unmarried person of the age of 20 but not above the age of 23 pursuing full-time course at a tertiary education institution. Mr Speaker, Sir, it also provides for a higher increase of social aid of 10 percent instead of 5.1 percent to a single parent who is incapable of earning adequately his/her livelihood, including the spouse of the person who is in police custody or has been remanded to jail or is serving a term of imprisonment. The increase in the social aid rates as announced in the Budget Speech will be implemented by way of regulations.

### **Management of Financial Resources in the Public Sector**

Mr Speaker, Sir, the Bill contains a number of amendments relating to the improvement of the management of financial and other resources in the public sector. Some of the amendments are in response to changes recommended by the Financial Sector Assessment Programme Report, some are in response to weaknesses that have been identified in recent years and a number of amendments relates to tax policies and to greater fiscal responsibility. The transition to a calendar year budget also requires amendments to the legislation.

Thus, the Income Tax Act is being amended to provide for alignment of the tax year with the calendar year as from January 2010. For companies, this change will have no impact on their tax payment due dates as they will contribute to pay corporate tax under APS and file their return 6 months after the end of their accounting period. For personal income tax, the return of income will be for a period of 6 months ending 31 December 2009 to allow for the transition. Individuals, therefore, will have to submit a return in September 2009 in respect of the income year July 2008 to June 2009 and a return by 05 April 2010 in respect of the 6 months from July to December 2009. Thereafter, a return will be filed by 31 March of every year in respect of income derived in the preceding calendar year.

In respect of the 6-month income tax return, the annual income exemption threshold as well as the NRPT exemption threshold will be reduced proportionately to cater for a 7-month period, taking into account the end-of-year bonus for those deriving emoluments and the fact that self-employed normally derive more income during the end-of-year period. Concerning NRPT, only half of the annual amount will be payable during that period.

Mr Speaker, Sir, with the shift to calendar year, employers will be required to issue statement of emoluments by 15 February of every year, that is, one and a half month after the year ends instead of one month currently. This will also apply to banks in regard to statement of interest paid.

The other amendments to the Income Tax Act are as follows –

- (a) a global business company that prepares its financial statements in either US dollar, euros or UK pound sterling will be required to prepare its tax return and pay tax in that same currency;
- (b) allowing the basis of assessment on start of business to be for a period of up to 18 months, thus avoiding the need to have split accounts, thereby facilitating both taxpayers and tax administration;
- (c) a company, *société* or trust which does not fill all the parts in a return of income will be liable to a penalty and the entity will be regarded as not having submitted its return;
- (d) extending the requirement for electronic submission of tax returns to all companies with annual turnover exceeding Rs10 m. Currently, this applies only to companies with turnover exceeding Rs30 m.

Mr Speaker, Sir, clauses 9, 14, 20, 28 and 48 amend the Customs Act, Excise Act, Gambling Regulatory Authority Act, Mauritius Revenue Authority Act and Value Added Tax Act, respectively. They provide essentially for –

- (a) empowering Customs to waive the whole or part of any interest imposed in cases where failure to pay the duty and taxes at importation was due to a just and reasonable cause, in line with existing provisions in the Income Tax Act and VAT Act;
- (b) raising the time limit at Customs to require information for investigation purposes from 3 to 5 years, to align with VAT provisions;
- (c) giving powers to Customs to have access to computers and other electronic devices for conducting post control audits as in the case of income tax and VAT;
- (d) allowing donation of goods seized by Customs besides to public service, to benevolent and charitable institutions affiliated with MACOSS or receiving a subsidy from Government or from a foreign Government;
- (e) validating the Financial Resolution adopted by the National Assembly on 22 May 2009 relating to the extension of the excise duty of one rupee per aluminium can;
- (f) extending the payment of rewards under the Customs Act, to persons other than officers of the MRA, to all revenue laws administered by MRA the provisions for rewards under the Customs Act is being repealed accordingly;
- (g) the transfer of the power of the Minister to write-off debts under the Revenue Laws to the Board of MRA under strict conditions;
- (h) the claw back provision under the VAT Act in the circumstances where a building, in respect of which VAT has been refunded as capital goods, no longer forms part of the fixed assets of the registered person to be amended so that the claw back would apply where the building is sold or otherwise transferred;
- (i) section 60(3) of the VAT Act relating to fine for offences, which is in breach of section 7 of the Constitution, is being amended to correct the provisions by removing the minimum penalty of Rs200,000 or treble the amount of tax, whichever is the higher and replacing it by an amount not exceeding treble the amount of tax. Similar amendment is being made to section 147(2) of the Income Tax Act.

The Gambling Regulatory Authority Act is being amended to clarify the tax base for gaming tax to be on “gross takings” instead of “gross stakes”. Gross takings will be defined in the rules approved by the Authority.

As regards Public Finance, we are amending the Public Debt Management Act 2008 to bring a clarification regarding the definition of bond and to provide for the Minister to enter into such agreement, sell, purchase or otherwise acquire any immovable property, lease movable or immovable property as may be necessary for the purpose of issuing Sovereign Sukuks which are Islamic bonds.

The Finance and Audit Act is being amended to ensure that its provisions, including the annual statements and those relating to Rodrigues required to be prepared by the Accountant-General and the report of the Director of Audit should cover the period of 6 months ending 31 December 2009.

The Ground Water Act is being amended to ensure that any fees or charges collected by CWA under the Act be paid into the Consolidated Fund.

The transition to calendar year budgeting has implications for statutory bodies. The Statutory Bodies (Accounts and Audit) Act is being amended to provide, in respect of statutory bodies with accounting period ending 30 June and which are required to change their accounting period to calendar year, for their financial statements in respect of the period of 18 months ending 31 December 2010 be submitted by 31 March 2011 and the Board's report to be furnished by 30 June 2011. A few clarifications are also being brought to the requirements relating to Programme Based Budgeting.

### **Improving Project Realisation Capacity in the Public Sector**

Mr Speaker, Sir, the Budget puts a big emphasis on the need to boost project realisation capacity in the public sector, as a prerequisite to the success of our efforts to frontload and fast track infrastructure projects to save jobs and to prepare for the recovery. As explained in the Budget Speech, this crisis has unveiled important weaknesses in our procurement processes - making more apparent their hitches and glitches. This situation has compelled us to reflect on the best balance between accountability and outcomes with respect to Government procurement and to come up with pragmatic ways to continue to embrace full accountability, transparency and good governance while delivering the outputs and the outcomes that are expected of Government at a faster pace. It has become manifestly clear to us that the solutions lie in further decentralisation of the procurement process while strengthening the checks and the balances. The measures announced in the Budget on project realisation capacity require appropriate legal framework. Thus, Mr Speaker, Sir, the Public Procurement Act is being amended to provide for the increase in the threshold value of contracts from Rs15 m. to Rs50 m. and from Rs50 m. to Rs100 m. for public bodies (except local authorities, Rodrigues Regional Assembly, Mauritius Qualifications Authority) to procure goods and services by themselves, whilst following sound procurement principles as provided for in Part V of the Act.

Opportunity has been taken to consolidate the various thresholds specified in the Schedule to the Act. Provisions have also been made –

- (a) to empower the Procurement Office to attend to complaints from bidders or suppliers and to advise the Board or public bodies on the appropriate course of action, and
- (b) to allow a public body, in appropriate cases and subject to regulations to that effect, to confer an advantage or preference to domestic or regional goods, services or contractors in the case of open advertised bidding proceedings.

I should emphasise, Mr Speaker, Sir, that as we decentralise the process, we are also making sure that the checks and balances are not sacrificed.

The reform of our Public Procurement System undertaken with the introduction of the Public Procurement Act aim at ensuring transparency, accountability, fairness, efficiency and value for money in public expenditure. These principles are applicable irrespective whether the procurement concerns a low value item or a high value one. In that context, the Procurement Policy Office has issued Standard Bidding Documents (SBDs) based on the World Bank model for mandatory use by all public bodies for procurement of all types. The Standard Bidding Documents clearly spell out the procedures that bidders are aware of the bidding requirements, the bidding process, the qualification and evaluation criteria applicable, and also their rights and obligations. It is worth noting that, under the new system, bidders are allowed to be present at the opening of bids. Also, the qualification and evaluation criteria are determined upfront. New criteria are not allowed. Furthermore, an unsatisfied bidder has the right to challenge and appeal for review to the Independent Review Panel before as well as after the award of the contract. All these, Mr Speaker, Sir, ensure transparency and fairness in the system.

The same principles and the same rigour and discipline are applicable irrespective of the contract value and whether the procurement is handled by the CPB or by another public body.

Mr Speaker, Sir, along with the decentralisation, it is proposed to reinforce the role of the PPO as a regulatory body. The PPO will ensure closer monitoring of the application of the Act, its regulations and the procurement procedures. It will assist public bodies in the discharge of their procurement functions through capacity building and training and also by providing guidance to procurement officials in the handling of procurement. Moreover, the Procurement Policy Office will issue guidelines for the segregation of the key procurement activities and ensure that there is a system of checks and balances in place at the level of each public body so as to minimise abuse by public officials of their positions.

### **Promoting Governance among State-owned Companies**

Mr Speaker, Sir, the global crisis has brought, once again, the issue of governance to the forefront. This Bill strengthens the legal framework for financial reporting and corporate governance. The Financial Reporting Act is being amended to provide mainly for –

- (i) a foreign auditor to fall within the purview of the Act;



- (ii) the Financial Reporting Council to issue rules and guidelines to statutory bodies exempted from compliance with International Financial Reporting Standards (IFRS), and
- (iii) a public interest entity falling under the purview of the Act to explain the reasons in its financial statements or report for which it has not adopted corporate governance.

### **Fighting Financial Crimes**

Mr Speaker, Sir, the Bill also contains clauses that deal with financial and related crimes.

The Dangerous Drugs Act and the Financial Intelligence and Anti-Money Laundering Act are being amended to provide for better provisions relating to offences of money laundering and financing of terrorism and to cover non-bank deposit-taking institutions and cash dealers. The scope of the Financial Intelligence Unit is being extended to cover land promoters, property developers and estate agents under the Local Government Act 2003 as well as dealers under the Jewellery Act. Clarifications have been brought regarding Customs as being one of the three investigatory authorities, besides police and ICAC.

The Customs Act is being amended to provide for the current disclosure system to be replaced by a declaration, in such manner as may be prescribed, for any person making a physical cross-border transportation of foreign currencies or bearing negotiable instruments exceeding an amount of Rs500,000 or its equivalent in foreign currency. Where, in respect of any amount, Customs reasonably suspects money laundering or financing of terrorism, Customs shall require the person to make a declaration, in such manner as may be prescribed, of the amount of the currency or bearer negotiable instruments, their origin and intended use. In such a case, Customs shall forthwith refer the matter to police and, at the same time, pass on the information to the FIU.

Mr Speaker, Sir, the provisions of the Income Tax Act relating to exchange of information under a Double Taxation Agreement with a foreign country are being extended to persons who are not resident in Mauritius and also to provide for assistance in the collection and recovery of tax due by citizens of either State.

Section 3(3) of the Mutual Assistance in Criminal and Related Matters Act is being amended to provide for the making and granting of an application in relation to a criminal matter under the Letters of Request Rules 1985, instead of the foreign State having to apply for mutual assistance under the Act.

*(Interruptions)*

This is very important -

**Preventing Non-citizens from Acquiring Residential Properties without the Required Authorisation**

Mr Speaker, Sir, we spoke about the concerns that non-citizens were acquiring residential properties outside the IRS and ERS schemes without the required authorisation. We said that we have to put a stop to this. The Bill amends the Non-Citizens (Property Restriction) Act to plug the following loopholes whereby –

- (a) by virtue of a *droit d'occupation*, particularly in relation to a trust, non-citizens are having control on residential property, mainly in the coastal region;
- (b) non-citizens becoming owners of immovable property by acquiring minority shareholding or by acquiring shares in holding companies which, through their subsidiaries or successive subsidiaries are holding immovable property;
- (c) non-citizens are making an abuse of the provisions relating to the derogation in respect of leases of less than 20 years for industrial or commercial purposes and are entering through a company sub-leases to have a *droit d'occupation* in a residential property for a period of 60 years (renewable every 20 years).

To plug the loopholes, the following amendments are being made to the Non-Citizens (Property Restriction) Act –

- (a) the clarification of the definition of “non-citizen” in relation to a trust;
- (b) the extension of the definition of “property” to include any rights or interests in immovable property, whether legal or beneficial, particularly in relation to a trust;
- (c) the extension of the definition of “share” to cover immovable property held in successive companies or partnerships;
- (d) the clarification that a lease agreement for industrial or commercial purposes must not include a lease agreement or sub-lease agreement in respect of a residential property;

Mr Speaker, Sir, amendments are also being made to the Registration Duty Act to the effect that no document conferring a right or interest in immovable property, whether legal or beneficial, to a non-citizen will be registered unless it contains a certificate under the Non-Citizens (Property Restriction) Act. The amendments also include an obligation on every notary to ascertain, from the parties to the transfer of a property, the identity of the ultimate owner of the property and that in case the owner is a non-citizen, the notary will have to notify the Secretary for Home Affairs of the fact.

A certificate issued under the Non-Citizens (Property Restriction) Act contains a condition that the non-citizen cannot sell or transfer, wholly or partly, the property or the rights therein to another non-citizen without the prior approval of the Prime Minister’s Office.

Mr Speaker, Sir, in addition, the Land (Duties and Taxes) Act and the Registration Duty Act are being amended to plug loopholes identified relating to successive transfer of shares in a company which result in a change of control of that company.

### **Employment Relations, Employment Rights and Related Matters**

Mr Speaker, Sir, in this Bill, we are taking the opportunity to amend, *inter alia*, the Employment Relations Act and the Employment Rights Act to further consolidate the benefits and protection afforded to workers and to correct a few anomalies.

### **Improving Existing Processes Regarding Bail**

Mr Speaker, Sir, we are also taking the opportunity, in this Bill, to make a few changes to legislation.

First, regarding bail. The Bail Act is being amended. The purpose is to further reduce the number of persons who have to remain in detention pending their trial solely due to their inability to pay duty or charge.

I understand a detainee for a minor criminal offence is not liable to pay any court fees or costs for his release on bail. However, such a detainee must still pay any duty or charge, which may result in his continued detention due to his incapacity to pay what is a very small sum. The Bail Act is accordingly being amended to remove this obligation.

Second, the Law Reform Commission Act is being amended to provide for the DPP or his representative to be a member of the Commission. This is consequential, Mr Speaker, Sir, to the separation of the office of DPP.

Third, section 9(4) of the Pensions Act is being amended to provide for such additional pension as may be prescribed to be granted to the Electoral Commissioner in post on 01 March 2009, as is the case for a member of the Judiciary, the Solicitor-General and Parliamentary Counsel.

Mr Speaker, Sir, in line with your ruling of this morning, we are bringing an amendment at Committee Stage with respect to the Certificate of the Morality Act. Accordingly, clause 6 will be deleted. I am bringing two minor amendments at Committee Stage; one in the Customs Act, where the words 'money laundering' will replace the words 'laundering of money'. The other amendment is in the Income Tax Act, in the provisions relating to CSR Funds, the words 'an approved NGO' are being replaced by the words 'finance an approved NGO'.

Mr Speaker, Sir, in the past two years, we have been consistently acting with foresight to protect our country, our economy and our people from the fallouts of the worst financial and economic crisis in several decades. Crises and external shocks come and go. At the end of the day, it is the resilience of our economy and our capacity to bounce back that matter most. Our policies and actions have placed Mauritius among the countries that are most resistant to the fallouts of the global crisis. This legislation, together with others implementing the 2009 Budget

measures, gives legal support to an action plan that will save thousands of jobs more, prevent thousands of families from drifting into unemployment and poverty, and prepare our economy to ride on the crest of the recovery, when it happens.

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

**Mr X. L. Duval rose and seconded.**

(6.11 p.m.)

**The Leader of the Opposition (Mr P. Bérenger):** Mr Speaker, Sir, this is the third time today that we are discussing this Finance Bill or parts thereof. The first time, we did not really discuss; we listened to you, when you gave your ruling after the point which I had raised, that is, that we find in this Finance Bill a number of issues that have nothing to do with financial affairs. The second time was my private notice question, which referred to one part of the Finance Bill - I will come back to that later on - the MRA amendment. And, now, for the third time, we are discussing the Finance Bill as a whole.

I wish to thank you, Mr Speaker, Sir, for your ruling of this morning, but I hope you will allow me to say that when I referred to four different parts of the Finance Bill as relating to matters that have nothing to do with financial affairs, I said that I was referring to these four matters as examples. I never said that this was an exhaustive list of all the different issues which, according to me, have nothing to do with financial matters. You have ruled on these four only and, as a result, only one item has been deleted. But I repeat that I only gave these four matters as examples, and I will come to other matters, which have not been even referred to by the hon. Minister of Finance.

I think that what Government has done, that is, listening to your ruling and then deleting one item only, namely the Certificate of Morality, shows a lack of respect to the Chair. Following your ruling, Government should have reviewed every single item in the Bill and, out of due respect to the Chair, to your ruling, should have removed not only the one issue referring to the Certificate of Morality but all the other issues, which clearly have nothing to do with financial matters. I repeat that I believe this is a show of disrespect to the Chair, of not having reviewed the Finance Bill item by item. For example - and I will come to more later on - the changes, the part relating to observation of whales and dolphins. This is kept in the Bill, and the hon. Minister of Finance makes reference to it. In the light of your ruling, those whales and dolphins should have emigrated to other waters.

Abolition of Prison Councils, through an amendment to the Reform Institutions Act! I'll take just two examples; extreme examples. No reference is made by the hon. Minister. Of course! What has the abolition of Prison Councils to do with financial affairs? And, yet, this was not deleted, as was deleted the paragraph referring to the Certificate of Morality. Having said that, I believe this is a show of disrespect or let's say - that is too strong - lack of due respect to the Chair. I hope that Government *va tirer les leçons* of what has happened today. It has been useful that I raised the point of order and that you ruled. I hope that Government, in the future, will bear in mind that ruling. It has to! I hope *que le gouvernement donc tirera les leçons des choses sans précédent qu'il a voulu ou qu'il a faites aujourd'hui à cette Chambre*.

Apart from the Prime Minister, matters that fall under the responsibility of more than six different Ministers have either been referred to by the hon. Minister of Finance or been encoded in the Bill without any reference by the hon. Minister of Finance; the Prime Minister himself, the Ministers of Labour, Tourism, Local Government, Agriculture, Housing & Lands and Social Security. By any stretch of the imagination, parts of what is in this Bill, relating to those different Ministries, do not refer to financial matters at all. Apart from the whales and dolphins

and the abolition of Prison Councils - I listened carefully - there are a number of issues which clearly have nothing to do with financial affairs and that, therefore, should have been removed after your ruling, but which are still in the Bill and have not been mentioned at all by the hon. Minister of Finance.

I will give a few examples only. The mutual assistance in criminal and related matters. Of course, this should have been explained by the hon. Attorney-General. No mention has been made by the hon. Minister of Finance. As for the Dangerous Drugs Act, again, there is no mention at all. As I said, with regard to the Reform Institutions Act, which abolishes Prison Councils, and where the hon. Minister of Finance has said a few words, it should have been a full debate, including, for example, the Employment Relations Act and the Employment Rights Act. It should have been a full debate with the hon. Minister responsible for these matters, especially after all that has happened around the new Employment Relations Act and Employment Rights Act. *En passant*, the hon. Minister of Finance has made a few remarks that such matters should have been subject to a full debate with a presentation by the different Ministers; the Attorney-General, the Minister of Agriculture, the Minister of Local Government, the Minister of Social Security, the Minister responsible for Lands and so on. So, I hope that Government *va tirer – a déjà tiré - les leçons* of what took place today, and of your ruling, Mr Speaker, Sir.

I shall now move again to the MRA affair. There was a PNQ on that this morning. Maybe, the hon. Vice-Prime Minister and Minister of Finance will tell us that, because there was a PNQ, he has made no reference to it here. I don't think that is acceptable. If anything, this little paragraph of four lines in the Finance Bill is the kind of legislation, *en catimini*, which should not be practised at all. We are now aware of what is the issue. There is one little paragraph which says: "For the avoidance of doubt (...)". In fact, it is to get round a judgement of the Supreme Court and the paragraph says –

"For the avoidance of doubt, no decision, determination notice or claim under any Revenue Law shall be challenged on the ground of any defect in the appointment or qualification of any person involved in the making of the decision, determination or in the issuing of the notice of claim."

This paragraph is an admission of guilt. This paragraph would not be there if Government did not know that the Mauritius Revenue Authority flouted the judgement of the Supreme Court of November of last year. It is an admission of guilt, Mr Speaker, Sir, and it is good to go back. Because the hon. Minister went on and on to say - and hon. Pravind Jugnauth corrected him on that - that the Judges have not struck down the appointment of the other officers and so on. The court was not asked to do that. But, if we read, it is clear to me and to the lawyers that I have consulted that, in fact, it is the whole top and middle management of the MRA that has been illegally appointed in the past and who have made tax assessments later on, Mr Speaker, Sir. It disturbs me, I must say, when I hear the hon. Minister go on and on that he has been advised by the State Law Office about this and that. It disturbs me and I'm sure that the hon. Minister is aware of it, that the Solicitor-General who is the Head of the State Law Office sits on the Board of the MRA. When a decision is taken by the Board in where the Solicitor-General sits, who at the State Law Office is going to challenge that Board that includes the Solicitor-General himself?

This is a most unhealthy situation. Maybe, we had not thought about it in the past, but now we should think about it very seriously. I must say, the MRA is doing its work, but I am not happy at all that we are coming with this blanket clause which is, as I said, *plaider la culpabilité*, when Government brings this clause. I am not happy at all with the way that the MRA has gone about this whole matter. There was no appeal to the Privy Council. According to my information, there were false affidavits when the case was before the Supreme Court and misleading and wrong information provided to the court. These are very, very serious matters! The same gentleman has brought proceedings before the Supreme Court for contempt of court. What if tomorrow the Supreme Court finds the MRA to have been in contempt of court? This is a very, very serious matter. It has also raised the issue of whether the income tax assessments made by people who have been illegally appointed are valid. Now, we bring a blanket amendment which I just read earlier on. I find it shocking. I used that word this morning; I find it shocking that such an amendment is brought to circumvent the judgement of the Supreme Court.

So, I object as forcefully as I can to this paragraph. There are other actions that should have been taken in the past; it is not too late. And I hope that action is taken long before the issue of contempt of court comes for judgement and for pronouncement before the Supreme Court. Now we will see whether anybody will take this paragraph before the Supreme Court as being unconstitutional. What are we doing? There is a process before the Judiciary, and it has happened in the past, in not exactly the same kind of cases, but it has happened in the past where the legislature stepped in while the Judiciary was doing its work and it was struck down as unconstitutional. So, now that we are saying that passed assessments and so on are being “blanketed” - if I may use the expression - I think and I hope that this, whether it is constitutional what we are providing in that paragraph, I hope that it will be brought before the Supreme Court, Mr Speaker, Sir.

A few other points - I am really surprised, I listened as carefully as I could to the hon. Vice-Prime Minister and Minister of Finance. I did not hear a word about the Financial Stability Committee being set up. He did not expand on its composition, on the need thereof and so on. And again, it is a question of whether this is not in contradiction with the existing legislation. In the past, Ministers of Finance, hon. Pravind Jugnauth and myself, we brought legislation to guarantee the independence - more than the autonomy - of the Central Bank. Whether the present Governor is doing a good job or not is another matter, but we provided legislation and we consolidated legislation to provide for the independence of the Central Bank. Independence means independence. Without amending the Bank of Mauritius Act which provides for the independence, we are now setting up *un nouveau machin, comme disait De Gaulle*. The Financial Stability Committee chaired, of course, by the Vice-Prime Minister and Minister of Finance, with, I suppose, a lower chair for the Governor sitting next to him so that he can chair as he must; then the Financial Secretary, the officer under the authority of the Vice-Prime Minister and Minister of Finance and the Chief Executive of the Financial Services Commission. I find this unacceptable! I find this in violation of existing legislation. According to me, it violates the independence of our Central Bank. Therefore, I, nevertheless, wish to put the question to the hon. Minister: has the Governor of the Bank of Mauritius been consulted? He should have been informed. Has he been consulted? Has he agreed? I am sure that he has not been consulted.

(Interruptions)

I'll be listening. I am sure he has not been consulted. This is a very serious matter and it has not been dealt with seriously by the hon. Minister of Finance.

Then, there are the amendments being brought to the Gambling Regulatory Authority. *Une occasion ratée!* Only last week, this issue of *ti-vegas, gros-vegas*, and I don't know what, was raised and the Minister promised us legislation as soon as possible to deal with those cases. Now, instead of coming forward with legislation, he comes forward with an interview this morning.

(Interruptions)

And avoids carefully - and it's a good thing that hon. Ms Nita Deerpalsing is not present, she would have had a heart attack, I think.

(Interruptions)

So, this is *une occasion ratée*. Where we were promised legislation as soon as possible, there is nothing giving the required powers to Government, to the Minister to do what he claims - outside interviews, of course - to do but can't do under the law. We are amending precisely the Gambling Regulatory Authority and he said this morning that *il y a des hypocrites*. I do not know what words to use when he said: 'give me the power, I will act.' And when he has the power to give himself the power, he does nothing except an interview! It is shameful! I find this whole episode shameful. At the same time, I read parliamentary question No. B/668 that hon. Barbier put - I think he is still in Rodrigues - some time back to the hon. Minister. And the Minister said that he was shocked by the amount. I am quoting the hon. Minister of Finance -

"I am also concerned by the frequency and intensity of the advertisement for gambling".

*Et c'est vrai!* And it is hurting young kids, school children, it is hurting everybody. This is being done but not in this legislation. That is another *occasion ratée*, Mr Speaker, Sir. It is really urgent!

Then, there is the CSR Fund. *En passant*, I don't see any definition of CSR in the Bill. All right, we all know what it stands for, but I think that there should have been a definition *en passant*. The CSR Fund is being set up. Good! But a lot will depend on that committee that will design and issue guidelines. Because we can hurt certain NGOs, certain sporting clubs and so on that are doing good work and that are being financed by private companies. We'll have to look carefully at the composition of that committee that will manage this whole issue and that will issue guidelines. It is a good thing that there is this minimum of 2% of book profits. I hope that there are companies that do more than that. But this is the minimum. But how is it applied? It must not result into good NGOs, smart sporting clubs being hurt, being damaged. We must draft those guidelines very carefully.



One point which I forgot to make earlier on is the amendments to the State Land Act. Again, this is an issue. The Minister is not present, but the Minister responsible for land issues should have brought that as a full debate, should have come forward with the philosophy behind it and so on. Because it is a very serious matter that State land leases are being amended so that they can run up to 99 years. If you ask me, right now, to take a firm stand, I can't because I would have wished a full debate on that. *La terre c'est toujours quelque chose de sacré et pas seulement Madagascar. Dans n'importe quel pays au monde, la terre c'est toujours quelque chose de sacré.* Now, *en passant*, the hon. Minister of Finance says an amendment is being brought so that State land leases can go up to 99 years, like that, without the Minister responsible for lands provoking a debate saying what is the philosophy behind it, what conditions will be attached to those 99-year leases.

Regarding the Public Procurement Act - the Prime Minister is not here - the hon. Minister of Finance did not say a word on one of the amendments, *en catimini*, I must say, not a word, not a reference to it. And the Prime Minister is not present. There are lots of things that are being changed *en catimini* without a debate. But in that case, the Public Procurement Act provided that when security and other matters are concerned, the hon. Prime Minister can decide that there will be no normal procurement, no procurement as provided under the law. But the proviso, the precaution was that this has to be gazetted. And now, *en catimini*, that gazetting is done away with. The hon. Minister does not make any reference to it and seems to discover that himself the way I see him reacting and reading his Bill, Mr Speaker, Sir.

*(Interruptions)*

I am not sure *li pé faire semblant*. I am not sure! But this is serious again! I don't agree, we don't agree with the increase in thresholds that was, in that case, announced in the Budget Speech and being implemented now. We do not agree with it, but, all right, it was announced, it was not *en catimini*. We do not agree, but, in that case, no reference is made, at all, to the fact that we are doing away with gazetting where the hon. Prime Minister decides that for security or other reasons there is no need for the normal public procurement procedures to be followed.

Finally, Mr Speaker, Sir, for my part, you will have understood that I refrain from commenting on a lot of issues on a matter of principle. Because I feel that these issues should have been dealt with outside the Finance Bill before us and that, therefore, on a matter of principle, I have refrained from commenting on a lot of issues which relate to other Ministries. So, finally, this is also a case where I stand to be guided, but I am worried. The Intelligence and Anti-Money Laundering Act is being amended so that the definition of "crime" is being changed. My colleague lawyers tell me - I am trying to find it - I think now for every offence that carries any crime, there is a fine of more than Rs10,000. I am quoting from memory.

That very low threshold, according to my lawyer friends, means that ICAC will come in with the possibility of freezing accounts and even of arrests for a lot of crimes and offences where, without this amendment, ICAC would not be allowed, under the law, to step in. Now, I am sure the hon. Minister is aware that there have been several cases where ICAC stepped in, froze bank accounts and then it was taken to task by the Supreme Court. It froze accounts and

then when the case came before the Supreme Court, there was no justification. Tried even before the Supreme Court!

Now, I understand that with this amendment to the Intelligence and Anti-Money Laundering Act, ICAC will be in a position to come in, to freeze accounts and even to arrest people for a lot of offences that are being brought under its purview as a result of this new definition of “crime” under that section. That is what I had to say, Mr Speaker, Sir. We are very unhappy with a number of issues that have been taken on board in the Finance Bill this year, *sans précédent*, but what is *rassurant* is your ruling of this morning. *Le gouvernement doit tirer les leçons*, and I hope that what has taken place this year on the occasion of the presentation of this Finance Bill will never take place again.

Thank you, Mr Speaker, Sir.

(6.40 p.m.)

**Mr P. Jugnauth (First Member for Quartier Militaire & Moka):** Mr Speaker, Sir, I stand up to speak on the Finance Bill and to say, right from the start, that there are a few decisions that have been taken by the hon. Minister of Finance with which we are in agreement namely the amendments that are being made under the Dangerous Drugs Act, the Land (Duties and Taxes) Act, the Mauritius Sugar Authority Act, the Non-Citizen's Property Restriction Act among others. But there is also a strong feeling of disappointment with regard to the policy that is being followed and, again, reflecting, I would say, a tendency which leans much more in favour of a group of people rather than the population at large. I am making this opening remark because, despite our genuine appeals during Budget time, even before, with the Additional Stimulus Package, and the debate on the Additional Remuneration Bill, the measures in favour of the economic operators are still along the same philosophy that has been enunciated by the hon. Minister of Finance and, again, detrimental to the population at large.

Mr Speaker, Sir, the Finance Bill usually provides opportunity for Government to fine-tune measures that have been announced in the Budget Speech and, again, I would also commend the ruling that has been made by you, Mr Speaker, Sir, with regard to the point of order that was raised by the hon. Leader of the Opposition. And I will also go along that there is a number of legislations that are being amended that could have given us the opportunity for a full debate instead of - probably that would be the appropriate word, if I can borrow it from the hon. Leader of the Opposition - making this Bill a *fourre-tout* where, therefore, a number of things have been put. But, anyway, be that as it may, I will comment on a few legislations that are being amended namely the Bank of Mauritius Act, the Business Registration Act, the Employment Relations Act, the Employment Rights Act and on the new provisions regarding the Corporate Social Responsibility in the Income Tax Act.

Mr Speaker, Sir, having had the privilege as Minister of Finance in 2004 to bring to this House a new Bank of Mauritius legislation whereby independence was granted to the Central Bank, in fact, to better conduct its duties and functions, I must say I am disappointed and very frustrated with the amendments that are being proposed namely in section 54 (1)(d) of the Bank of Mauritius Act. Allow me to refer to my Second Reading speech on the Bank of Mauritius Bill which I presented in this very same House on 07 September 2004 to replace the Bank of Mauritius Act of 1981, and I quote –

“One key feature of the Bill is the increased independence that it confers to the Bank in the performance of its duties and functions. Clause 12(3) eliminates the provision of section 19 of the existing Bank of Mauritius Act which spells out that the Minister of Finance is empowered to give directions to the Bank. It states that the Board in which the general policy and administration of the affairs of the Bank are vested shall not be subject to any direction from outside in the exercise of its functions. Thus, the independence of the central bank is being clearly established and it can no longer be issued with a directive from the Minister responsible for finance. This is in line with international best practice and will raise a level of public confidence in the Bank.”

Mr Speaker, Sir, at that time I relinquished my powers as Minister of Finance to grant independence to the Central Bank and today the Minister of Finance is indirectly removing this independence in order to dictate his will to the Bank of Mauritius through his nominees in the Monetary Policy Committee. I have heard ...

*(Interruptions)*

Yes, I'll come to that! I have heard the hon. Minister saying that it is apparently at the request of the Governor of the Bank of Mauritius to increase the external nominees from three to four in order to include one expert, somebody who is knowledgeable. I must say I have doubts. Why do I say so? Because we all know the relationship that has been prevailing – I won't say for the past few months - this bad blood that has been going on, I would say, since the nomination of the actual Governor at that post. We know it. I don't want to go into all this saga, but this has continued. There was recently a PNQ in this very House whereby the Minister of Finance was trying to explain certain things. Of course, we put a number of questions and I must say that we were not very happy at all; we were not satisfied with the information. I am not here to defend the Governor of the Bank of Mauritius nor am I here to try to criticise the hon. Minister, but what I am saying is that I think it is legitimate for everybody to see that things are not working out. The relationship has, in fact, really deteriorated. What can we conclude when we see this kind of amendment being brought to this House where the number of external nominees is being increased from three to four? As I said, to me, it looks like the Minister is trying to get a whole control on the Monetary Policy Committee and on its decisions and I believe that, at the end of the day, the Governor would be left at the mercy of the Minister's nominees. We also know how there has been *divergence au niveau du* Monetary Policy Committee and, therefore, I have great doubts and I hope that it is not the same agenda that is going to prevail when we are being asked

now to approve the insertion of section 55A regarding the Financial Stability Committee which the hon. Minister is proposing to chair.

Let me come back again to the Monetary Policy Committee! The other thing that I note is that there are observers. Who are the observers? There is one who has been appointed - I won't mention the name - but we all know he is currently the Senior Economic Adviser at the Ministry of Finance. First of all, I ask the question: is it legal to have an observer at the level of that Monetary Policy Committee? Because everything is defined; you can nominate a number of people both from the bank and outside. Is it in order to have observers? And there are, in fact, two or three observers, but, more so, to have somebody who is the Senior Economic Adviser of the Minister to be observer at that committee!

Now, we are coming up with this Financial Stability Committee. When I look at what is happening in the UK, for example, I see that the Conservative Party wants to get rid of so many other institutions. In fact, they are proposing to abolish even the Financial Services Authority and move the powers to the Central Bank. They want Britain's regulatory system to have one body to be unambiguously in charge. I am not saying that we should copy what they are doing, but we should probably draw lessons. Again, I hope that this Financial Stability Committee is not going to be on top of the Monetary Policy Committee. I hope that this Financial Stability Committee is not going to dictate the Monetary Policy Committee. Again, I must say that it is, in fact, against the spirit of the Bank of Mauritius Act of 2004. I, again, say that it looks like the Minister wants to have absolute control over the Central Bank with regard to main decisions that are being taken, and needless to say that, ultimately, the role of the Governor is going to be considerably reduced. Therefore, I say this is a typical example of the thinking of unscrupulous mind. Unfortunately, we have been pointing out a number of things which probably the hon. Minister of Finance thinks we do not understand. Probably, I should refer to what the hon. Prime Minister, when he was Leader of the Opposition, himself said while debating the Bank of Mauritius Bill. Let me quote, Mr Speaker, Sir -

“The justification for Central Bank independence is rooted in the conviction that the conduct of monetary policy should be aimed principally to controlling inflation.”

And later he goes on to say -

“Mr Speaker, Sir, we want to give the image that we have a Central Bank which is independent, which is going to control monetary policy. Let the Minister of Finance decide on fiscal policy, but the Governor of the Bank is going to control the monetary policy.”

That was part of the speech that was made by the then Leader of the Opposition. Therefore, I hope we are not saying bye-bye to the independence of the Central Bank, but clearly to me this is a very bad signal we are sending to the financial community, in fact, worldwide.

Moreover, Mr Speaker, Sir, it is also high time to ensure that no political cronies be appointed either as Director on the Board of the Bank of Mauritius or as member of the

Monetary Policy Committee. As I said, at least, we know of one member, a nominee on the MPC, who is a multi-consultant of the Ministry of Finance. He has been consultant of the Mauritius Duty-Free Paradise Co. Ltd., the Tourism Authority and the *Éditions de l'Océan Indien*. And I would say: does that not conflict with the membership of the MPC? I hope that with the benefit of hindsight, we would suggest that external Board of Directors, in fact, should be very carefully selected. I know that getting people who are really knowledgeable in that field is very difficult. Even if they can get people from abroad, fair enough! But we need in any manner whatsoever to protect the independence of the bank.

Let me come, Mr Speaker, Sir, to the issue of CSR and, here, I am referring to section 50, which is another clear demonstration, I would say, again, of the obsessive private sector bias which I have mentioned in the past.

Let us see what the hon. Minister of Finance announced as regards CSR in the Budget Speech he presented on 22 May last. At paragraph 253, the Minister stated, and I quote -

“(...) all profitable firms to either spend 2 percent of their profits on CSR activities approved by Government or to transfer these funds to Government to be used in the fight against poverty.”

So, it has to be either approved by Government or to transfer those 2% to Government to be used to fight poverty. Let us look at what is being proposed in the Finance Bill at section 50 which states -

#### **“50L. CSR Fund**

- (1) Every company shall, in every year, set up a CSR Fund equivalent to 2 per cent of its book profit derived during the preceding year to –
  - (a) implement an approved programme by the company;
  - (b) implement an approved programme under the National Empowerment Foundation; or
  - (c) an approved NGO.”

Again, Mr Speaker, Sir, it is clear that the Minister has acquiesced to the private sector lobbies. Between 22 May and 10 July when the Finance Bill was officially presented, we see that the language of the Minister has changed. He has, once more, bowed down to the private sector shopping list and now companies are being given free hand to use those 2 percent profits to implement their own approved CSR programmes. I would say, to add insult to injury, the Minister is asking us to approve sub-part II whereby the company's CSR programme, I quote –

“shall be deemed to be an approved Government Programme although it is indicated that guidelines will be issued.”

And this is what I heard from the speech of the hon. Minister. I must say, again when I look at what is being said outside recently, I think it was the *Assemblée Générale de Mauritiuis Institute of Directors*. The hon. Minister has been saying, and I quote –

*“Notre position est simple. You have to give back some to the community. Le secteur privé fait toute une histoire autour de la question de contribution volontaire et obligatoire. Nous avons coupé la poire en deux et nous leur avons demandé de contribuer 2% de leurs profits pour le financement d’une série d’activités, etc. Nous sommes tombés d’accord.”*

*Et le ministre parle de l’arrogance du MEF et l’attitude quelque peu négative du JEC. Cela est pour la population, pour le cinéma, je dirais, but when it comes down to act firmly as the intention of the hon. Minister at Budget Speech, I see that there has been a change in the meantime and, again, in statements outside, there is a totally different language. C’est du cinéma, M. le président, parce que le ministre savait bel et bien qu’il avait déjà donné satisfaction à ses interlocuteurs, notamment la MEF et la JEC. En tout cas, les amendements qui sont proposés aujourd’hui en témoignent et nous dénonçons ce double langage. Je laisse le soin à tout un chacun dans cette Chambre de tirer sa propre conclusion sur cette façon de faire et de juger la pertinence de mes commentaires.*

Let me come to the amendments that have been proposed to the Business Registration Act! Here also there are hidden motives and agendas. By repealing sections 7 and 8 of the Act, no renewal of registration or of business registration card would be required after three years. Therefore, business registration would be indefinite whether the registered person is actually conducting business or not. I won’t go into the fact that once somebody is registered, what happens when he is being tracked down by the MRA. We have heard about the MRA. I would not call that a saga, but, anyway, I will come to that later on. We know how many people, once registered, get queries from MRA officers for them to explain and to open their books. Fair enough if it is done in a way where people are evading, let us say, to pay taxes and so on! But we know how those people are being tracked down.

My concern is that we have never been given the number of people who have, in fact, registered as business people, who have started a business. What is the situation today? How many are carrying on business? How many are succeeding, in fact, and how many have not been able to start a business at all? These figures have not been communicated and we don’t even know how many, although permits/licences could have been issued, but we should know the truth, the harsh fact. We do meet a number of people and, in fact, I said it last time, what is so sad is that probably, on Government side, I suppose, expectations have been raised so high. I know of a number of cases where people have gone to register, they have gone to the local authority in order to get a licence to operate a particular activity and they were told by the local authority that this activity does not exist, they are not giving any licence. In the meantime, before these people go to the local authority in order to get that permit, they incur some expenses to prepare for their business. When they are being told that there is no way that they will obtain that permit, then they are really frustrated and this is why I say we should know about the number of drop-outs, about the degree of failure. Here come the proposals again to repeal the renewal provisions and we are being, again, asked to approve those amendments whereby there

would be no legal provision for someone who wishes, in fact, not to renew the registration and, therefore, deregister.

At least, I am happy that this issue of Certificate of Morality is not coming for debate because we would have a lot to say, but, anyway, I hope that this kind of amendment does not come at all.

Let me now make just a few remarks on the Employment Relations Act. Again, I agree with the hon. Leader of the Opposition. There are 35 amendments to the Employments Rights Act. Can you imagine, Mr Speaker, Sir, only six months after this Bill has been debated and passed in this House, now seizing the opportunity of the Finance Bill, 35 amendments are proposed! I think the Minister concerned should have come with a separate legislation in order to move for amendments. In fact, I can recall my colleague, hon. Soodhun proposed, at that time, 28 amendments, but, unfortunately, no consideration had been given to them.

However, there are two things that I welcome. The amendment that is being proposed to section 68(4) which corrects, in fact, an anomaly since the Ministry of Civil Service would no longer be judge and party to a dispute and it would be probably wiser to rationalise the whole system of dispute reporting by making provision for officers of the Civil Service to report their disputes to the Commission as is the case for the workers of the private sector.

The second amendment which, I think, is a good thing is section 44, that is, the payment of temporary and unemployment benefits to employees who opt for a training or re-skilling scheme until they become entitled to a training stipend and I am sure that would encourage workers to invest in the future and build up their employability.

Let me also comment, Mr Speaker, Sir, on the amendment that is being proposed to the Mauritius Revenue Authority Act. Clearly, it is to correct what has happened in the light of the case of Mr Beekarry. If there was no need to correct, when we heard the hon. Minister saying this morning that the nominations are in order and that there is no problem, then, why should we bring this amendment? It is clear and the hon. Minister has the habit to say that he wants to be candid about it. I thought he would have been candid about it in the morning to say: 'Look, there has been a mistake!' If a mistake has occurred, he should say so. Unfortunately, he went on to say that I cannot understand. I reasoned out the basic principle of law. How can a committee which has been found to be unlawfully constituted, has been found to have no jurisdiction in the light of the rejection of an application? How can the nomination of other people be validated? No, it cannot be and, rightly so, that is why this amendment is being brought today and it has to be so, otherwise there is going to be a series of problems, but the hon. Minister should say that there has been a problem. Therefore, Mr Speaker, Sir, there are a few other legislations that are being amended and we have canvassed that during Budget Speech, for example, the procurement, the issues of raising the ceiling and so on. We have made our views known on that.

I would just probably end by saying that as regards the new subsection (1B)(a) with regard to the Customs Act, I see that discretion is being given to the Director-General to waive the whole or part of any interest imposed under subsection (1A). I hope that this is not perceived



as a licence for abuses and favours. Therefore, Mr Speaker, Sir, I would end again by saying that there are a number of decisions and measures that have been taken and that are welcome. As I said earlier, the loophole that existed in the legislation on non-citizens has been plugged. There are a number of other things also like the cess concerning the small planters, but I have expressed our reservations on the other amendments that are being made.

Thank you, Mr Speaker, Sir.

(7.12 p.m.)

**Dr. Sithanen:** Mr Speaker, Sir, let me start by thanking the two hon. Members who participated in the debate on the Finance Bill. On this side of the House, more particularly, I accept the ruling that you made this morning and we shall ensure that, in the future, we strictly adhere to your ruling.

Having said that, I would like to make a couple of points. It is not as straightforward as the hon. Leader of the Opposition would like to make it. There are, of course, the easy decisions and the measures that are specifically announced in the Budget and that need to be contained in the Finance Bill. I think all of us agree on this particular issue. That is very clear. Let's take the example of the 2% of CSR! This is very clear and cannot be disputed.

Then, there is another second category. I have done some homework also on all the Budgets for a very long period of time. There are some announcements that are made so that the Budget Speech does not become very long, that refer to a particular issue, and then you try to define and codify how this measure is going to be implemented in the Finance Bill. There are many instances where I can cite from Budgets that have been given by hon. Bérenger or Budgets which have been read by hon. Pravind Jugnauth. This is the second area, and I can give many cases where hon. Bérenger believes that it was not mentioned, but it was mentioned indirectly and then you have to make sure that this is codified.

Then, there is the third issue of what we call consequential amendments and all Ministers of Finance have done that. You change a particular legislation, you announce it, but there are consequential amendments that take place and this is a third category that, I think, we can justify.

Then, there is a fourth category - and this has been used by hon. Jugnauth twice when he presented his Budget and also by hon. Bérenger - what I would call strengthening and streamlining of legislation relating to VAT, custom duties, corporate tax, income tax; you don't go into all the details and this is done. Mr Speaker, Sir, I've got a list from 2001 to 2005 how many of these have happened. And then, there is the obvious case which was the subject of your ruling this morning, Mr Speaker, Sir. Nothing to do probably with the Budget, with streamlining, with consequential and it is announced.

Mr Speaker, Sir, again, I don't want to do politics as both hon. Members on the other side have done. I can give many cases where hon. Pravind Jugnauth and also hon. Paul Bérenger have introduced, in the Finance Bill, something that has nothing to do with the Finance Bill. Hon. Dr. Bunwaree has been the Minister of Finance for four years and he knows that this has been done in the past. Now, maybe, the fact that it was done in the past, does not mean that it is consistent with the Standing Orders. I agree with that, but the point I am trying to make is very important. All four have been done in the past: consequential, streamlining, you announce it globally, and then you put the details. There are many cases where it was not even announced, it had nothing to do with finance, nothing to do with the Budget and it was passed. Maybe this ruling is an important one in order to guide the Minister of Finance on what can be done and what cannot be done in the future.

With respect to the MRA amendment, I stand guided by the officers of the SLO and also from my reading of the judgment that has been given. I don't want to repeat what I've said this morning, but there were two issues and the two Judges, in my humble submission, and also in the light of the advice that I have received from the SLO, I must state not from the Solicitor-General but from other officers who have acted in an independent manner, they have told me that there is a clear-cut difference between the case that was put by that gentleman who felt aggrieved because he was not offered this post and the fact that the appointment and selection of all the other officers were never quashed by the Judges.

I was listening to hon. Bérenger and to hon. Jugnauth, what is the cue, there is a problem and we need to collect revenue in order to pay for free education, for health and for all the activities of the State. There must be a practicality in a decision. Does that mean that, on the one hand, they have tried to offer a post, they have called in for interview, one has not come and if we don't insert this amendment that is prospective, I mean everybody can go to the ARC or somewhere and say: 'look, we are not going to pay any tax because these officers were not appointed by a committee that was duly constituted according to the provision of the Act'.

We have a problem also, unless the two hon. Members are telling us that now that they have been duly constituted, we have to re-conduct all the interviews and do that. But then, it is going to be unfair also because some people have probably already left. While I agree to the point that they are making, we need to be practical also about collecting revenue, Mr Speaker, Sir. This is the purpose of the amendment. It is certainly not - as alleged by both hon. Members - to circumvent the judgement of the Supreme Court. So, let me make this very clear!

Let me come to the independence of the Central Bank, Mr Speaker, Sir! Independence cannot be in absolute terms. I totally agree with hon. Jugnauth about the independence of the Central Bank with respect to the conduct of monetary policy. We are talking about financial stability. We have to make the simple distinction, Mr Speaker, Sir, between the conduct of monetary policy and the financial stability of our system, because of what is happening globally. All countries in the world are doing that. In France and in the UK, they are bringing the three parties together - the Treasury, the Central Bank and also the Financial Services Authority or the Financial Services Commission, where there are two regulatory bodies, one for banking and the other one for non-bank financial services, Mr Speaker, Sir. I don't want to go into this debate. There are some countries which have gone for one regulator. There are pros and cons. In the UK, for a very long time, there are two. In other countries also, there are two, and in some countries there are more than two. We have gone for two, Mr Speaker, Sir. But, here, what we are talking about is that we want to make sure there is stability in our financial system. The two hon. Members are the first to shoot at me when things happen, that I don't even control. Unfortunately, because of the system of allocating responsibilities to Ministers to answer in Parliament, I have to answer for things that I am not even responsible. The hon. Leader of the Opposition knows that, Mr Speaker, Sir. But we are not talking about the independence of the Monetary Policy Committee; we are talking about setting up a committee that will look at the financial stability. This includes not only the banking system; it also includes the Financial Services, leasing, stock exchange and a variety of instruments.

I was reading 'The Economist' this morning, and they were making a case that because institutions function in silos, the financial economists have disregarded the macro-economists. The macro-economists have not taken into account the financial economists and this is the mess that we are in. They made three points in that article, Mr Speaker, Sir: who have been responsible for creating this mess; they did not even detect this mess, and then they are incapable of fixing the mess. So, we need to have *des transversales - même sur les autoroutes, il y a des transversales, M. le président* - so that we understand what is happening.

When hon. Jugnauth was trying to say that I want to dictate what is happening at the MPC, this is totally false, Mr Speaker, Sir. I don't intervene in the work of the Monetary Policy Committee. As a matter of fact, there have been very few cases of division - unless hon. Jugnauth is making the confusion deliberately because he has been Minister of Finance and he should know - between the MPC and the Board. For the Board, I admit that there are differences, even among members who are not appointed by me. I am sure he knows. But, at the level of the MPC, most of the time, there has been agreement, except, I think, once or twice, where they agreed on the direction but did not conquer on the quantum. You may agree that you have to drop interest rate, but some people say that because of the risk/reward between inflation and growth, they think that it should go down by 100, while others believe it could go down by 50. This happens in the UK and elsewhere. I don't know the gentleman who was the Governor of the Central Bank of Argentina. I have never met him, Mr Speaker, Sir. But the Governor told me that they wanted to appoint him initially. I appoint, but he was working as an advisor, if my memory serves me right, to the Governor of the Bank of England and, so, we thought that it would not be good for him to participate in the voting. But he has been here. We are just making *de jure* a situation that was *de facto*. He was there, he was sharing his expertise and views, but he was not participating in the actual vote. So, there is no sinister motive, there is no unscrupulous mind, except that the hon. Member believes that I am responsible for everything that goes wrong in this country. This is not true. He has an obsession about me. I hope he sleeps well and does not have a nightmare when he thinks of me.

Mr Speaker, Sir, the other point that was raised by hon. Bérenger was to the effect that I did not make any reference to some legislation. I did! With regard to the amendments that have been made to the Employment Rights Act, sure, I take the point made by hon. Jugnauth that this legislation has just been enacted and we come with some amendments. But, Mr Speaker, Sir, I can reassure you that I assume my responsibility. We all know how Ministers of Finance agree to incorporate some changes that probably were not announced in the Budget. We discussed and the reason why we agreed is because it is in the interest of the workers. It is in the interest of the common man. You hear people come and say here: 'we protect the poor; we protect this'. This is what it is.

Let me give you some examples, Mr Speaker, Sir! '12 weeks leave following still birth is on full pay'; it is not very clear in the legislation, and it is the responsibility of the Government to make sure that we clarify this issue. 'Extend 5 days paternity leave to all workers of the private sector', notwithstanding different provisions which may exist in some remuneration orders in that respect, Mr Speaker, Sir. These are in favour of the working class; this is to protect vulnerable people; it provides that 'every employer shall give notice of termination of employment of a worker to the Minister on the date of the termination of employment and that

any failure to do so is an offence'. Mr Speaker, Sir, is that not to protect the workers? Let me give you another one: 'Extend the statutory delay of 7 days available to a laid off worker to exercise his option under the working programme'. I can go on. But, while I was doing this, my good friend, hon. Bhagwan was saying: '*to pé ale trop long*'. There are about ten and all of them are in favour of the working class and to protect people.

I have the information here on the prison officers. There is a contradiction. In some cases, they have got some entitlements on how they can come together and, in another legislation, this is not clear. We have tried to clarify it. Are they allowed or not to do this? I am just explaining, Mr Speaker, Sir.

The other point made by the two hon. Members who intervened was on CSR. Mr Speaker, Sir, I laughed, especially at the unfair criticism made by hon. Jugnauth. They did not do anything, absolutely nothing in terms of Corporate Social Responsibility. It is this Government which has introduced the Corporate Social Responsibility on a voluntary basis two years ago. It is this Government that is doing the CSR, Mr Speaker, Sir, by any standard...

*(Interruptions)*

**Mr Speaker:** Can I draw the attention of the hon. Vice-Prime Minister and Minister of Finance that the criticism that was made was about a disparity between what was said in the Budget Speech and what is being amended. We are not going to enter into a general debate about the scope of the CSR.

**Dr. Sithanen:** Mr Speaker, Sir, it is this Government that has introduced the CSR on a voluntary basis and, now, on a semi-voluntary, on a semi-legal basis.

There is no contradiction between what I stated in the Budget and what is in the Finance Bill. But we have to make sure that it works, Mr Speaker, Sir. I agree with what the hon. Leader of the Opposition said, namely that there are some NGOs that are doing an excellent work. There are some private companies that are investing very well in the CSR, and we have given them the assurance. We do not want to *étatiser* it. That is why we have set up a committee, Mr Speaker, Sir. The committee will decide what the guidelines are. And what are the guidelines, Mr Speaker, Sir? We have to define what are the verticals, and we have agreed on ten or 11 verticals. What I mean by vertical is that you need to invest in poverty alleviation, to invest in education of poor people - nobody did this - to invest on environment, to invest in arts and culture, to invest in promotion of sports and to invest on environment. Then, Mr Speaker, Sir,...

*(Interruptions)*

Let me speak...

*(Interruptions)*

What we are saying, Mr Speaker, Sir, is that there needs to be flexibility also. We told them that the CSR will have to apply this year on the basis of last year's profit, which was not very clear

when I announced the Budget. Some people could have argued that we are going to do it on next year's because, basically, we are doing it on retroactive profit. Let's be fair! Obviously, hon. Jugnauth will not mention that. This was the subject of discussion, of negotiation, because when you announce a measure, you cannot do it on a retroactive basis. We have told them that it needs to be done. Let me reassure the Leader of the Opposition that it is precisely because we do not want all companies to invest in the same vertical and use the same NGO that we need to have this committee. This committee is going to be monitored by my colleague, the Minister responsible for Social Security and National Solidarity. Otherwise, you could find yourself in a situation where everybody would like to invest in A, and everybody would like to use one particular NGO to do this. We are establishing some rules, Mr Speaker, Sir. We are going to support some of the NGOs that have done very well. We are not going to name and shame them, like the 'Sun' or the 'Daily Mail' does in the UK. But we are going to encourage them to *être plus professionnels*. We are going to set a limit on what is the share of the money that they receive that will go on administration. It does not make sense to support a NGO, where 80% of the money that they get either from Government or from the CSR Fund, will go *dans les frais administratifs*. Most of the money will have to go for the objective for which it is granted. If it is fighting poverty, 80% or 90% of the money has to go for it. But, Mr Speaker, Sir, we need to show flexibility. It is the first time we are doing it. We have told them that we would like them to spend the money based on an agreed framework, based on an agreed principle, and – it's one of the greatest debates; we have learnt a lot, Mr Speaker, Sir; we have spent a lot of time thinking about this - one of the greatest problems that we have, whether it is to fight poverty, whether it's to give education to kids who cannot go to schools because they are poor is how do you ensure, once you have defined the objective, once you have set up the infrastructure, once you have given the money, that you monitor, you follow up, and you make sure that the objectives are being achieved.

This is not easy, Mr Speaker, Sir. As I said, I keep mentioning this article in 'The Economist': "Defining poverty is difficult. Fighting it is harder." You have to make sure that these 3-year kids and these 4-year kids not only go to school on the 8<sup>th</sup> of January, but are still in school in December, that they are learning how to count, how to read and that they are making progress. So, you need to employ social assistants to make sure that these kids who come from *les groupes vulnérables* also have a chance, Mr Speaker, Sir. I think this is a good measure, and I regret that hon. Jugnauth is trying to play cheap politics on this particular issue, Mr Speaker, Sir.

On Business Registration, Mr Speaker, Sir, the importance of SMEs has increased considerably under this Government, because we have made it easy for people to start business, to have access to finance and to get a lower cost of finance. You just look at the statistics. I am very surprised that hon. Jugnauth says that he does not have the figures. The figures are published; these are official figures, Mr Speaker, Sir. The number of jobs created by SMEs, as a result of reform brought by this Government, has increased from 75,000 to about 95,000. There are a number of new companies that not only have been registered but have started business. That's why we have been resilient. *Il y avait des oiseaux de mauvais augure* that said that we already have double digit unemployment now. We do not have double digit unemployment, Mr Speaker, Sir. We are creating more jobs, because we have diversified the base of the economy, we have strengthened and consolidated the role of SMEs in the economy.

With regard to the point that was made by hon. Bérenger, Mr Speaker, Sir, on the definition of crime, the paper that I have from the expert is that crime here refers to the predicate crime with respect to the offence of money laundering which is established under the FIAMLA, which, I presume, is the Anti-Money Laundering and Financing of Illicit Activities Act. By extending the definition of ‘crime’ under this Act, we are in effect making sure that any person who is dealing in the proceeds of a greater number of offences than at present, would be liable to be prosecuted for the offence of money laundering.

I am also advised, Mr Speaker, Sir, that there is no issue of contempt of court at all with respect to the point that was raised by hon. Bérenger. I hope that I have replied to some of the points that have been raised by the two hon. Members who participated in this debate. Certainly, Mr Speaker, Sir, I hold the greatest respect for the Chair. I also hold the greatest respect for your ruling. It was my understanding that what required to be done has been done by view of an amendment that has been made. I understand that the hon. Leader of Opposition is trying to play some politics.

*(Interruptions)*

**Mr Speaker:** No, no! I am sorry!

**Dr. Sithanen:** But, Mr Speaker, Sir, we have the greatest respect for the Chair and we’ll comply with it. I did explain, at the beginning of my summing-up, that it is not as obvious as many people would like us to believe. I have done that many times, Mr Speaker, Sir, and, obviously, we stand to be guided by the ruling that you will make.

Thank you very much.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Mr Speaker in the Chair)*

### **THE FINANCE (MISCELLANEOUS PROVISIONS) BILL**

**(No. XVI of 2009)**

*Clauses 1 to 5 ordered to stand part of the Bill.*

*Clause 6 (Certificate of Morality Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Dr. Sithanen:** Mr Chairperson, I move that clause 6 be amended as follows –

“by deleting clause 6, the existing clauses 7 to 50 being renumbered 6 to 49 respectively;”

*Amendment agreed to.*

*Clauses 7 to 50 renumbered 6 to 49 accordingly.*

*Clauses 6 and 7, as renumbered, ordered to stand part of the Bill.*

*Clause 8 (Customs Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Dr. Sithanen:** Mr Chairperson, I move that clause 8 be amended as follows –

“in clause 9, as renumbered 8, in paragraph (f)(v), in the proposed subsection (4), by deleting the words “the laundering of money” and replacing them by the words “money laundering”;

*Amendment agreed to.*

*Clause 8 (renumbered), as amended, ordered to stand part of the Bill.*

*Clauses 9 to 20, as renumbered, ordered to stand part of the Bill.*

*Clause 21 (Income Tax Act Amended)*

**Dr. Sithanen:** Mr Chairperson, I move that clause 21 be amended as follows –

“in clause 22 as renumbered 21, in paragraph (d), in the proposed section 50L(1), by deleting paragraph (c) and replacing it by the following paragraph –

(c) finance an approved NGO.”

*Amendment agreed to.*

*Clause 21 (renumbered), as amended, ordered to stand part of the Bill.*

*Clauses 22 to 48, as renumbered, ordered to stand part of the Bill.*

*Clause 49 (Commencement)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Dr. Sithanen:** Mr Chairperson, I move for the following amendment in Clause 49 -



“By deleting clause 50 as renumbered 49 and replacing it by the following clause –

**49. Commencement**

(1) Sections 8(d), 11, 12, 18, 20, 21(b)(iii), (d) in so far as it relates to sections 50K and 50L, (h), (l), (m), (n), (w)(ii) and (iii) and (y), 30, 36, 39 and 44 shall be deemed to have come into operation on 1 July 2009.

(2) Section 8(f) shall come into operation on 1 October 2009.

(3) Section 13(c) shall be deemed to have come into operation on 23 May 2009.

(4) Section 21(g), (i), (j), (o) and (p) shall come into operation on 1 January 2010.

(5) Sections 21(x) and 42(a) and (b) shall be deemed to have come into operation on 2 February 2009.

(6) Section 41(a) and (c) shall come into operation on 1 August 2010 in respect of the financial year 2011 and in respect of every subsequent financial year.”

*Amendment agreed to.*

*Clause 49 (renumbered), as amended, ordered to stand part of the Bill.*

*First Schedule*

*Motion made and question proposed: “that the First Schedule stand part of the Bill.”*

**Dr. Sithanen:** Mr Chairperson, I move that the words “[Section 13(p)]” be deleted in the First Schedule and replaced by the words “[Section 12(p)]”.

*Amendment agreed to.*

*First Schedule, as amended, ordered to stand part of the Bill.*

*Second Schedule*

*Motion made and question proposed: “that the Second Schedule stand part of the Bill.”*

**Dr. Sithanen:** Mr Chairperson, I move that the words “[Section 14(c)]” be deleted in the Second Schedule and replaced by the words “[Section 13(c)]”.

*Amendment agreed to.*

*Second Schedule, as amended, ordered to stand part of the Bill.*

*Third Schedule*

*Motion made and question proposed: "that the Third Schedule stand part of the Bill."*

**Dr. Sithanen:** Mr Chairperson, I move that the words "[Section 31(e)]" be deleted in the Third Schedule and replaced by the words "[Section 30(e)]".

*Amendment agreed to.*

*Third Schedule, as amended, ordered to stand part of the Bill.*

*Fourth Schedule*

*Motion made and question proposed: "that the Fourth Schedule stand part of the Bill."*

**Dr. Sithanen:** Mr Chairperson, I move that the words "[Section 36(h)]" be deleted in the Fourth Schedule and replaced by the words "[Section 35(h)]".

*Amendment agreed to.*

*Fourth Schedule, as amended, ordered to stand part of the Bill.*

*Fifth Schedule*

*Motion made and question proposed: "that the Fifth Schedule stand part of the Bill."*

**Dr. Sithanen:** Mr Chairperson, I move that the words "[Section 40(c)(iii)]" be deleted in the Fifth Schedule and replaced by the words "[Section 39(c)(iii)]".

*Amendment agreed to.*

*Fifth Schedule, as amended, ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

*On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.*

*Third Reading*

*On motion made and seconded, the Finance (Miscellaneous Provisions) Bill (No. XVI of 2009) was read the third time and passed.*

*At 7.45 p.m. the sitting was suspended*

*On resuming at 8.47 p.m. with the Deputy Speaker in the Chair*

*Second Reading*

## **THE NOTARIES (AMENDMENT) BILL**

**(No. XIII of 2009)**

*Order for Second Reading read.*

**The Attorney-General (Mr J. Valayden):** Mr Deputy Speaker, Sir, I move that the Notaries (Amendment) Bill (No. XIII of 2009) be read a second time.

Mr Deputy Speaker, Sir, it is befitting that I am doing that Second Reading before you, one of the rare persons who not only passed the exams of the Bar, but has also passed notary exams. So, I feel very good.

Mr Deputy Speaker, Sir, this Government, as I have already said before, attaches a lot of importance to the reform of the judicial and legal system. In this respect, in March last year, I introduced into this House the Notaries Bill to replace the old Notaries Act which dated back to 1942.

Mr Deputy Speaker, Sir, notaries are “*officiers ministériels*” who play a key role in both public and private affairs and act like international justices of the peace. This is because once a document has been attested by a notary, it is recognised internationally and given the force of an international judgment. Notaries are also mainly responsible for the administration of oaths and statutory declarations, for witnessing signatures and for authenticating documents.

Mr Deputy Speaker, Sir, before its introduction to this House, the Notaries Bill was the subject matter of extensive consultation with *la Chambre des Notaires* which, I am happy to say, fully endorsed the Bill. After it was passed by Parliament, the Notaries Act 2008 came into operation on 24 November 2008. After these few introductory remarks, I now come to the present Notaries (Amendment) Bill.

Mr Deputy Speaker, Sir, almost all the amendments contained in the present Bill have been proposed by *La Chambre des Notaires* after consultation with my office. They purport to bring the Notaries Act 2008 in line with the principles and norms set by the International Union of Notaries (IUN).

Mr Deputy Speaker, Sir, the International Union of Notaries is a Non-Governmental Organisation which is established in order to promote, co-ordinate and develop the duties and activities of notaries throughout the world and ensure the standing and independence necessary for optimum service to individuals and society through close collaboration between Chambers of

Notaries. About 75 Chambers of Notaries worldwide presently form part of this International Union.

Mr Deputy Speaker, Sir, following the visit to Mauritius of a delegation of the International Union of Notaries, they have made recommendations that some minor amendments be brought to the Notaries Act 2008 so that it is in line with the principles and norms set by them. I am informed that once the present Bill comes into force, the Mauritian Chamber of Notaries will be eligible to be admitted as a member of the International Union of Notaries. This is why I have had no hesitation in taking on board the present amendments proposed by the Chamber of Notaries.

Mr Deputy Speaker, Sir, let me now take the House through the salient features of the Bill. Section 9(2)(c) of the Act requires the Registrar-General to keep a Register of Testamentary Dispositions. Clause 3 of the Bill amends this particular section so as to allow the Registrar-General to make up and keep this Register in such manner as she thinks fit, which is more administratively convenient and more practical.

Mr Deputy Speaker, Sir, for the avoidance of any doubt, clause 4 makes it clear that it is a certified copy of a deed of erasure, and not the original deed itself, which is to be deposited with the Conservator of Mortgages. This has always been the practice from time immemorial and there is no reason for changing such practice.

Under clause 5, section 27 of the Act is amended to provide that the quorum for a General Meeting will be half of the number of the members of the Association of Notaries instead of one fourth.

Under clause 6, section 35 of the Act is amended to provide that the Chamber of Notaries shall lay down a code of ethics for notaries which shall include rules of practice, rules of professional conduct and rules in relation to the keeping and auditing of accounts. The code of ethics must be approved by the Association in General Meeting. Every notary will have to comply with the code of ethics once it has been approved.

Under clause 7, section 38 of the Act is amended to place the duty of forwarding to the Registrar-General an order made by a Judge for the interdiction of any person on the Attorney making the application for the order, instead of placing the duty on the Master and Registrar. I am informed that presently the Registrar-General is not being informed of any such order.

Under clause 8, section 39 of the Act is amended to provide that all rules to be made by the Chamber of Notaries shall now be subject to the approval of the Association of Notaries in General Meeting.

Under clause 9, section 40 of the Act is amended to provide for the possibility of levying fees and charges by way of regulations made under the Act.

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

**Dr. Bunwaree rose and seconded.**

(8.54 p.m.)

**The Leader of the Opposition (Mr P. Bérenger):** Mr Deputy Speaker, Sir, before I say a few words on the Bill, let me express my surprise that the Notaries (Amendment) Bill has come before us, because being the mood in Government I would have expected that to be included in the Finance Bill. But, so be it!

*(Interruptions)*

I have no quarrel with this Bill. In fact, it means to bring in line with the principles and norms set by the International Union of Notaries. We have no quarrel with that. The hon. Attorney-General has confirmed the information that I had, that not only was the Chamber of Notaries in agreement with the contents of the Bill, but that, in fact, they had come forward and respectfully asked that the Bill be brought before the House. I would, in other circumstances, maybe have quarrel with section 40 regulations which says that –

“(1) The Attorney-General may –

(b) after consultation with the Chamber, by regulations, provide for an increase in the number of notaries on the Roll.”

But I won't quarrel, because, as we know, Government Notices, regulations of that nature have to be gazetted and can be challenged by way of motions of disallowance. So, we keep a control on that. I noted, a few minutes ago, that the hon. Minister of Finance did not come back on what I said, that amongst other things that we did through the Finance Bill, is removed the obligation for the Prime Minister when he decides that procurement procedures will not be followed before it had to be gazetted as is the case now, but that it was removed under the Finance Bill. I noted that the Minister of Finance not only did not contradict me, but did not comment on that at all. But, in this case, it is fine, it will have to be gazetted, it will be regulations by way of Government Notice. Therefore, we will be able to challenge by way of motion of disallowance, if required. Therefore, we have no quarrel with this Bill, Mr Deputy Speaker, Sir.

Thank you.

(8.56 p.m.)

**Mr S. Mohamed (Third Member for Rivière des Anguilles & Souillac):** Mr Deputy Speaker, Sir, I have looked into the Bill and all the clauses as referred to by the hon. Attorney-General. To be honest, I have tried very hard to find, as is my habit, if there was anything which I would have not been in agreement with and, once again, as usual, I would have commented on it had it not been correct and had I not been in agreement with it. However, I must say that I am also in total agreement with what is provided for, save and except, I cannot derogate from habit of agreeing totally.

Let me, at least, say that there is some exception which I would like to refer to, specifically – and I also shall be very, very brief in my comments, those are only observations that I would like to make – at clause 3 of the Bill which proposes to amend section 9 of the Act which provides that –

“Section 9 of the principal Act is amended in subsection (2), in paragraph (c) (i) by deleting the words “in such manner as may be prescribed” and replacing them by the words “in such manner as he thinks fit”.”

I understand the hon. Attorney-General when he says that, this is being done for the cause of expediency, to facilitate matters and to make things more practical. However, in making regulations, I would ask that this be looked into because we do not want complacency to set in when the objective is not for that, but for a rapidity of action and the practice to be facilitated.

In relation to clause 3 which tries to amend section 9, I would like to draw a comparison here with clause 7 which is here to amend section 38. In actual fact, section 38 subsection 3 is also amended –

“(b) in subsection (3), by deleting the words “in such manner as may be prescribed” and replacing them by the words “in such manner as he thinks fit”.”

But what is interesting here is what is provided for after that line in the Statute where I read –

“(...) which may be consulted by a notary, an attorney or any other person who can show that he has a legitimate interest to do so.”

I am in agreement with what the Statute provides. But I think that this was today an opportunity which could have been taken advantage of by also replicating what is provided for under section 38(3) and also making that change at section 9 subsection (2)(c)(i) where it is written –

“(...) in such manner as may be prescribed.”

It will read “in such manner as he thinks fit” which may, on written application to that effect, be consulted by a notary or by an attorney. My observation is that, I fail to see why, in this particular instance, there should be a written application; in this particular instance, that this application is limited to a notary or to an attorney, and I would have thought that it would have

been better for it to read the same as under section 38(3). It should have read in lieu and instead of that, to take advantage of this today to amend it, for it to read –

“which may be consulted by a notary (...)”

Without the need for an application in writing to that effect.

“(...) or an Attorney or any other person who can show that he has a legitimate interest to do so.”

That would have provided for rapidity in execution. This is what we are looking for; this is what we are searching for, and the first provision under the Statute is one which does not call for that. That is only a remark I would like to make.

And the second and last remark I would like to make goes with regard to this Union which the hon. Leader of the Opposition has referred to and also referred to in the Explanatory Memorandum, paragraph 1 International Union of Notaries. I have two remarks on the issue of the International Union of Notaries. Even though the *Chambre des Notaires* may be in agreement with what they provide for in their rules or in their norms or their principles, it is not referred to in the main Act what exactly is the International Union of Notaries. Nowhere in the main Act is it referred to and I believe it would be important for us to, at least - if we are to talk about the norms and principles of the International Union of Notaries - amend section 2, the definition section, or the interpretation section of the Notaries Act to include a definition of what the International Union of Notaries stand for and the main Act should also refer to the International Union of Notaries and their principles. Let us not forget that things change at the International Union and we cannot, here, sign a blank cheque until the International Union changes its norms and we are bound by it just because we have voted this Bill today.

The last remark I would like to make is with regard to the issue of the fees of the notaries because it is provided for in the principles of notarial ethics of the Union that a notary cannot and should not - that is mandatory - charge lower fees than his colleagues. That is basically under the principles of notarial ethics of this International Union. Clause 4.2 states -

“Notaries must not attract clientele using means other than their professional resources, in particular, they must never have recourse to reduction fees.”

If this is in contradiction with our law - because our law says that they can take permission from the Chamber of Notaries in order to ask for reduction - if we are going to adapt their principles and their norms, that is in contradiction with our law; we have to look into that. Far from trying to challenge the merit of bringing this Bill forward, I am in agreement with it, save and except my remarks. That will be all.

Thank you!



**The Deputy Speaker:** I take it that the motion for Second Reading was seconded.

(9.04 p.m.)

**Mrs S. Hanoomanjee (Second Member for Savanne & Black River):** Mr Deputy Speaker, Sir, last year, the hon. Attorney-General brought a new Notaries Act to this House and this year, again, he has come up with a few minor amendments, but since we are in a fast moving society and the world, he says, is a global village, no institution can function in isolation. So, I believe that is the reason why the Chamber of Notaries has sought affiliation with the International Union of Notaries.

The Bill makes provision for a code of ethics that has to be worked out, *qui aura force de loi* and which all Notaries will have to abide by. The Attorney-General just said that the Chamber of Notaries has been consulted and that there is full consensus on the Bill, but I take it that the Association of Notaries also agree and concur with all the provisions of the Bill and this goes to the credit of the Attorney-General for having engaged in discussions with the Chamber.

Mr Deputy Speaker, Sir, I'll make some very brief comments on only three sections of the Act where amendments are proposed. Section 27 talks of General Meetings where it is stipulated that the quorum for a General Meeting shall be one fourth of the number of members of the Association. This has been amended to bring the quorum to half of the number of members. I think this is a very good decision, given the importance of issues which will be discussed at those General Meetings. Consequently, I note that sub-section 3(b) has been amended because, in the first instance, a quorum is not present on the time and date fixed at the meeting; then, at the next meeting, the quorum will have to be one fourth of the number of members instead of the members then present. I do not recall, when the previous Bill came to this House, whether we made comments on this subsection, but the members then present could have been two or three and this is, I believe, unacceptable for democracy to thrive within the association. Two or three members cannot take decisions on behalf of 55 or 60 members. We go along with the amendments to increase the quorum to one fourth of the number of members.

Regarding section 35 on the code of ethics, the rules of practice as well as the rules of provisional conduct were there already, and amendments are being brought to reinforce the question of auditing of accounts and whilst the existing legislation has imposed an obligation on all Notaries to keep accounts of all receipts and expenditure, specifying what amounts count as clients' money, now there will be an auditing of all accounts. We know there have been cases in the past and, at least, one case recently where a notary had taken clients' money and had not respected the procedures. The least that we can say is that now the public will have more trust and confidence when they engage in any sort of transaction.

Mr Deputy Speaker, Sir, as has been stated by the hon. Attorney-General when he presented the Bill last year, all these measures will promote honesty, integrity and strict compliance with professional standards within the profession. But I wish to make a passing remark on this because, last time, I remember when I intervened on the Bill, I said that notaries do not work alone. They have the support of clerks whom they employ and anybody who walks in the office of a notary usually meets the clerk first. They are the ones who provide first hand

information, they are the ones who inform the client what are the documents which are required and they will be the ones who will assist the notary to keep the accounts. When I intervened last year, I said that those clerks do not have any legal training and, very often, they take up employment only after they left schools. *Ils apprennent sur le tas* and I will, once again, suggest that the Council of Legal Education should organise training courses for those who are already working and, at the same time, offer courses for those who will be interested to follow such courses.

Regarding section 38, I understand that the interdicted persons concerned are mainly those whose names have been referred to the Judge by either ICAC or by the Drug Commissioner. These persons cannot acquire, hold or dispose of any movable or immovable property. The amendments which are being made to this section relate mainly to the transfer of responsibilities from the Master or Registrar to the Attorney making an application for such order. But, here, I do not think that the real problem has been addressed. In fact, if I understand well, there is a time lag between the time that the institution, be it ICAC or the Drug Commission, submits the name till the time the name appears in the register. If during this time lag an interdicted person engages the services of a notary or an Attorney for any transaction concerning a movable or immovable property, the notary or attorney would not have been informed yet of that case.

I would suggest that section 38 be amended to allow the Registrar General to insert online information immediately after such application has been received. Moreover, I think that the Attorney-General could have taken this opportunity to include in this Bill a section which would have allowed the National Cadastre list, which is being worked out by LAVIMS and which deals with the registration and transcription of deeds, to be done online electronically.

Mr Deputy Speaker, Sir, the legal profession in Mauritius comprises barristers, attorneys and notaries and up to now the Attorney-General has come to this House with Bills to regulate and to impose a certain code of ethics and to bring the work of the notary under close scrutiny. *Dans l'intérêt de la population il serait souhaitable aussi que d'autres dans la profession légale emboîtent le pas.*

Since the Attorney-General has said that the Bill has been fully endorsed by the Chamber of Notaries, I wish to end by congratulating the Attorney-General, the Association of Notaries and the Chamber for imposing such rules and ethics upon themselves.

Thank you.

(9.12 p.m.)

**Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill):** Mr Deputy Speaker, Sir, allow me to address the House on this piece of legislation. We are in the presence of a very important Bill which deals with a noble profession, *le notariat*. I think that the mood regarding the Bill is generally optimistic, well and good.

However, there are certain issues in the Bill which are of concern and need to be highlighted. I am referring here to the first object of the Bill. I do agree that the object of the Bill is to be amended so that it is in line with the principles and norms set by the International Union of Notaries. True it is that we have to adjust to be in line with changes. But a series of questions arise regarding the first object as has been rightly pointed out by hon. Mohamed. What are those principles and norms that notaries will be subscribing to? There is nothing in the main Act and I was expecting definition in this present Bill, but there was no reference at all. Where are they to be found, Mr Deputy Speaker, Sir? Has the Association of Notaries been provided with those principles and norms? I think that all these questions need to be taken on board. It would have been fair and appropriate to include a definition of the International Union of Notaries in this present Bill. Are we not missing an opportunity today?

I have a remark also at clause 3 of the Bill. The present Bill, as has been said by hon. Mohamed, is amending section 9 (c) of the main Act by removing the words 'in such manner as may be prescribed' and inserting the words 'in such manner as he thinks fit'. What is wrong with 'in such manner as may be prescribed'? Why is it that those words have to be replaced by the words 'in such manner as he thinks fit'? In my opinion, the importance of testamentary disposition is important and the Registrar ought to be prescribed by way of regulations. The crux of the debate is, of course, section 35 of the main Act which provides for the drawing of a code of ethics. Sure it is that without a code of ethics, the membership of the Chamber of Notaries cannot be linked to the *Union Internationale du Notariat Latin*. The enactment of the present Bill will, no doubt, empower the Chamber to provide for the code of ethics, but, here, again, Mr Deputy Speaker, Sir, some questions arise. Has the *Association des Notaires* been consulted? If so, I do hope it was not the usual meeting type of approval, but, at least, opportunities have been given to each member of all notaries to offer them a possibility of participating constructively in the process leading to the present Bill. It seems that the code of ethics prepared by the Chamber of Notaries is a model purportedly provided by the French notaries. Some of the clauses of the French Code may not necessarily be in line with the situation in our country. For example, the clauses of the code in relation to professional insurance and the one imposing a levy of 1% of the turnover upon notaries lay a new pre-requisite for the practice of the profession in Mauritius. It seems that the 1% levy has not been clearly defined in the present Bill. Is it all the money transiting through the office of a notary or the fees perceived by him, or is it the profit that he derives after deduction of all expenses made?

However, I wish to point out that according to me, the code of ethics should reflect, to a large extent, the proposal made by not only the five members of the Chamber of Notaries, but as large a consensus as possible so that the professional standards of notaries could maintain a very high level. For this reason, I think that it is important to bring amendments to our existing law so that it can be in line with recent trends, practices and development. However, I do believe that a

code of ethics should be well elaborated in order to avoid certain regretful malpractices that we have witnessed recently in Mauritius.

I will not refer to cases, yet we know that there are cases where notaries have acted unlawfully. That is why I feel that the code of ethics should include clauses which will allow notaries to operate in the interests of their clients and to avoid getting involved in fraudulent practices. *M. le président, ce présent projet de loi va aider le notariat mauricien à faire partie de l'Union Internationale du Notariat Latin. Comme nous savons déjà, le dernier pays à faire partie de cette Union Internationale n'est autre que la Chine et, bien sûr, avec ce présent Bill, Maurice va certainement faire partie de l'International Union of Notaries.*

Thank you, Mr Deputy Speaker, Sir.

(9.19 p.m.)

**Mr Valayden:** Mr Deputy Speaker, Sir, I thank all the orators who have taken part in the present debate on the amendments to the Notaries Bill. I must not only thank the Members, but I have also taken note of their observations. I must also say, here, that whichever Bill I am bringing to the House, mainly those concerning the different branches of a profession, we have nearly every year come back to the House because there are so many reforms going on worldwide, so many things that we have to adapt and we have to put all of them at par with what is going on around the world. Therefore, we must not be scared when we see that certain sections or certain amendments have not worked, we must come back and explain it to the House. That is what I am trying to do and I hope that we will come again in the interests of all parties.

Concerning the second part, we are also coming, Mr Deputy Speaker, Sir, with reforms on the Council of Legal Education, which will address some of the points raised by hon. Mrs Hanoomanjee.

Concerning section 9(2)(c)(i) that has been raised by my good friend, hon. Mohamed, which deals with *dispositions testamentaires* and which are more of a private nature as opposed to section 38(3), which refers to interdicted persons under the Civil Code, which is of a less private nature and may concern any person having a legitimate interest, for example, for a due diligence exercise. Nevertheless, I have taken note of the point raised by my good friend. We will address it, and come back whenever we have time, before this august Assembly.

Concerning the definition of International Union of Notaries, it is not required because we have not used it in that. What we have done is to set the framework, set the goals, so that we are qualified, and not refer to the International Union of Notaries as such in the amendments.

Concerning the other point raised namely to do it online, we can do it administratively. There is no need to come with an amendment. I believe that we are doing it in some branches of the profession. I believe there is unanimity on the Bill. I seize this opportunity and I am sure all Members of the House will join me in wishing good luck to our *Chambre des Notaires* for them to be affiliated with *L'Association Internationale du Notariat Latin*. This will help also to enhance the level in Mauritius and will, again, bring us near to make Mauritius a judicial hub.

Thank you, Mr Deputy Speaker, Sir.

*Question put and agreed to.*

*Bill read a second time and committed.*

## COMMITTEE STAGE

*(The Deputy Speaker in the Chair)*

*The Notaries (Amendment) Bill (No. XIII of 2009) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the Notaries (Amendment) Bill (No. XIII of 2009) was read the third time and passed.*

**ADJOURNMENT**

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 24 July 2009 at 3.30 p.m.

**Dr. Kasenally rose and seconded.**

*Question put and agreed to.*

**The Deputy Speaker:** The House stands adjourned.

(9.24 p.m.)

## **PREVOCATIONAL SCHOOLS – TEACHERS**

**Mrs F. Labelle (Third Member for Vacoas & Floreal):** Mr Deputy Speaker, Sir, I would like to bring to the attention of the House the difficulties faced by those teachers who work with the most difficult students. Difficult in the sense that these students are those who have the greatest learning difficulties, coupled very often with disorders, be it conduct disorder, Oppositional Defiant Disorder (ODD) and so on. In fact, these disorders could be the source of their low academic performance. I am talking, Mr Deputy Speaker, Sir, of teachers in the prevocational sector.

Mr Deputy Speaker, Sir, students in the prevocational sector are those who have failed once or twice the CPE and are over aged to repeat and, thus, cannot have access to the mainstream of the secondary cycle.

Mr Deputy Speaker, Sir, if I have mentioned the facts, it is just to remind the House of the difficult environment in which these teachers have to work. These teachers are expected to do within three years what has not been able to be achieved with the students during five to six years. While society is expecting so much from these teachers, these very teachers are those who are less considered in the teaching profession.

I am going to focus on three points only. Firstly, there are those who are less paid in the teaching profession. Up to now, there are a lot of them waiting for confirmation in their post. They are not at par with their colleagues in the private sector and they are less paid in the teaching profession.

Mr Deputy Speaker, Sir, teachers or educators in the primary sector have a salary scale starting at Rs11,200. Those with an advanced certificate in education will start at Rs12,300. In addition to this, if the teachers are working in the ZEP sector or specialised institutions - rightly so – they are drawing an additional allowance of Rs2,600. However, Mr Deputy Speaker, Sir, the teachers in the secondary prevocational have a starting salary of Rs10,700 without any allowance. These teachers do teach up to six periods per day. I think they have the largest range of subjects taught. They start from English, French, Maths, Design & Technology, Home Economics, just to name some, and they have to teach all these subjects. I think it is the only category that has to teach all these subjects. So, they are working in a difficult situation with less salary.

Coupled with that, Mr Deputy Speaker, Sir, the question of prevocational teachers is something which has been ongoing for years. After several claims, prevocational teachers, who were under the responsibility of several organisations, like the IVTB and the TSMTF, have been appointed by the Ministry in February last year. The letter of appointment stated clearly that after one year of probation, they will receive confirmation in their post, I quote –

“At the end of probationary period, if you are favourably reported upon, you will be confirmed and will then be placed on the permanent and pensionable establishment”.

After more than one year, these teachers have not yet received confirmation in their post, and they are anxious. Have they not been favourably reported upon? We have to bear in mind the conditions in which they are working. Maybe, the hon. Minister will enlighten the House why these teachers have not received their confirmation in these posts. Among those teachers, Mr Deputy Speaker, Sir, several of them not only have their Teacher's Certificate but also a Teacher's Diploma (Prevocational).

Mr Deputy Speaker, Sir, it's not because these teachers are working with difficult students, students who very often are put aside, that they have to receive less consideration.

It can be a subject of not very great interest, but, I think, if we care for the education sector in this country, we have to care for all types of students and all types of teachers. *Ce n'est pas un sujet peut-être à grand gain politique, qui peut ne pas intéresser beaucoup dans cette Chambre mais je pense que c'est un sujet qui mérite qu'on le traite.* So, I was saying that these teachers in the prevocational sector ...

*(Interruptions)*

**The Deputy Speaker:** Order, please!

**Mrs Labelle:** ...even with a Teacher's Diploma, do not receive the same treatment as those working in the private sector. Teachers holding a prevocational Diploma in the private sector are drawing a higher salary starting at Rs14,200, whereas in the Government sector it is only Rs10,700. Maybe, it is worthwhile mentioning that among those who are in post, prior to the offer of Government to be enlisted on the establishment; a group of these teachers refused such offer since what was being proposed to them was less than what they were drawing, be it in grade or salary scale, and their situations have not yet been regularised and these teachers have all completed their Teacher's Diploma. An, here, too, this Teacher's Diploma is three years of part-time study which means that the prevocational sector is not benefiting from their experience or expertise for months now.

The other point I would like to raise regarding this prevocational sector is the supply teachers. In mostly, each State secondary school with prevocational classes, there are, at least, two supply teachers.

*(Interruptions)*

**The Deputy Speaker:** Order please! Thank you.

**Mrs Labelle:** I know it is not of great interest to the House, but, I think, if we care for education we have to talk about it. Most of these supply teachers have been working in this sector for four to five years and many have left after two or three years of working experience. These supply teachers, though they have been working for four to five years, did not draw any salary for the month of November and December. It occurs that some days in November can be paid if they have been doing some clerical work. And, moreover, their end-of-year bonus is



being paid to them in January. After four to five years, they do not have any sick or casual leave.

Mr Deputy Speaker, Sir, with such working conditions, lowest salary, no confirmation of appointment, supply teachers with no certainty regarding their career is just a good recipe for demotivation and demotivated individuals cannot give the best of themselves and thus students who badly need that their teachers give the best of themselves are deprived of this opportunity.

I would, therefore, Mr Deputy Speaker, Sir, request the hon. Minister of Education to look into the issue of teachers of prevocational secondary schools so as to bring necessary measures for a due recognition of the work of these teachers, so that they can receive their due recognition not only for the benefit of the teachers, but of the students and society at large.

Thank you, Mr Deputy Speaker, Sir.

**The Minister of Education, Culture & Human Resources (Dr. V. Bunwaree):** Mr Deputy Speaker, Sir, I have listened very attentively, I must say, and taken good note of what has been just mentioned by the hon. Third Member for Vacoas & Floreal.

I must tell you, Mr Deputy Speaker, Sir, I had some notes, but after what has been mentioned, I think, I'll have to look into a few of the matters raised because they do not coincide exactly with what is happening. But there are many things that have been said that I know of and we are looking very seriously into the matter. I would like to take this opportunity to pay homage to all the teachers who are working, in fact, in the prevocational sector which is a very difficult sector, I agree. In fact, they have to be given due recognition. There is no problem on that.

At a later stage, I'll come with a statement in the House concerning this particular sector. In fact, we started having supply teachers in 2004. The hon. Member has mentioned about the difficulties faced by these people, that they are not paid for the months or the weeks or the days that they are not working. But, this is not a problem that has been created by me or by this Government. I am going to look into it and I am sure I am going to correct what has to be corrected. I have taken good note of what has been said. I agree that something needs to be done so that these teachers do accept the recognition that we want to give them.

I thank the hon. Member for having raised the question in the House. Thank you, Mr Deputy Speaker, Sir.

*At 9.37 p.m., the Assembly was, on its rising, adjourned to Friday 24 July 2009 at 3.30 p.m.*

## WRITTEN ANSWERS TO QUESTIONS

### SCENE OF CRIME UNIT – MANAGERS

(No. B/876) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Scene of Crime Unit, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number of police officers who have been trained to serve the unit, and
- (b) if a Scene of Crime Manager has been appointed and, if so, indicate his qualifications and experience.

**Reply:** As I mentioned in reply to Parliamentary Question B/1454 on 16 December 2008, the Scene of Crime Office (SOCO) has its main office in Rose Hill, but its activities have now been decentralised with the setting up of two sub-offices at Triolet and Curepipe as from September 2007 and May 2009 respectively. It has also a sub-office in Rodrigues operational as from September 2007. This arrangement provides for a better response to scenes of crime.

Currently, SOCO has a strength of 28 trained Police Officers serving the unit. The officers have undergone intensive training locally and overseas. In fact, over the past years, the police officers have undergone training in crime scene examination and management, ballistic training, fingerprinting, facial recognition, forensic awareness training, evidence collection, including DNA samples at scenes of crime and legal aspects of the use of DNA. Most recently, the Staffordshire University and the Forensic Science Service, UK have conducted training sessions for all officers of the SOCO in the scene of crime management.

As regards part (b) of the question, I am informed that as from 17 June 2009, 24 Station Commanders of the rank of Assistant Superintendent of Police who have more than 25 years experience in the Police Force have been assigned to act as Crime Scene Managers by the Commissioner of Police. However, I am given to understand that all officers of the rank of Assistant Superintendent of Police may be called upon to act as Crime Scene Managers. A training course is currently being designed for Crime Scene Managers to further enhance their professional knowledge and skills in this field.

I wish to inform the House that we are working out a capacity-building programme relating to crime scene management and DNA profiling for the Police Force with the assistance and guidance of Dr. Ramgopal, Pro-Vice Chancellor of the Staffordshire University and his team.

### HEAVY GOODS VEHICLES – DRIVERS - MOTORWAY – BOOKED

(No. B/877) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to heavy goods vehicles, he will, for the benefit of the House, obtain from the Commissioner of Police,

information as to the number of drivers of such vehicles who have been booked for running on the motorway before 0900 hrs, over the past year.

**Reply:** I am informed by the Commissioner of Police that on two occasions, police communiqués were issued by virtue of section 181(1)(e) of the Road Traffic Act informing the public that motor vehicles whose unladen weight exceed 3,500 kgs should not use the Northbound motorway between 07 30 hrs and 09 00 hrs from Mondays to Fridays.

I am also informed that over the past year, 56 drivers of such heavy vehicles have been booked for “Driving during Prohibited Hours” on the motorway.

Out of the 56 cases, 13 are pending court and 43 are still under enquiry.

### **SSR INTERNATIONAL AIRPORT – FAKE PASSPORTS AND VISAS**

**(No. B/878) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the cases of fake passports and fake visas detected at the Sir Seewoosagur Ramgoolam International Airport, since December 2008 to date, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if inquiries have been carried out thereinto and the outcome thereof, in each case.

**Reply:** I am informed by the Commissioner of Police that since December 2008 up to 17 July 2009, seven cases of fake passports and two cases of fake visas were detected at Sir Seewoosagur Ramgoolam International Airport.

All the cases of fake passports were in respect of incoming foreign passengers. Two were detected by the scanner of the new Border Control System, which came into operation on 01 December 2008.

In all the seven cases the passengers were refused leave to land and subsequently were repatriated to their last destination by the earliest available flight with the help of the airlines companies concerned.

The names of these persons have been added on the list of Prohibited Immigrants.

As regards fake visas, two cases were detected in December 2008 in respect of two passengers of Indian nationality travelling to a third country after their holidays in Mauritius. In both cases, the Immigration Department prevented the foreigners to leave Mauritius and kept them under police supervision. They were thereafter sent back to their country of origin and their respective names were added on the list of Prohibited Immigrants.

I would like to inform the House that with a view to upgrading the capacity of the Immigration Department, all officers have been provided training locally and abroad in Document Fraud, Passenger Assessment and Imposter Detection. In March 2009, with the

assistance of the British authorities, two officers of the Immigration Department have attended advanced forgery detection training at the National Document Fraud Unit in the U.K.

I must also add that we are shortly receiving on donation from the British authorities a forensic document examination machine for use at the airport to assist in detection of fraudulent and forged documentation. This will help to further strengthen our Border Control System which, coupled with constant alertness and vigilance, will considerably reduce the risks of entry on our soil of fake passport and visa holders.

#### **MIGRANT WORKERS – CRIMINAL OFFENCES – JULY 2005-16 JULY 2009**

**(No. B/879) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the migrant workers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof involved in the commission of criminal offences, since July 2005 to date, indicating if these cases have been prosecuted and the outcome thereof.

**Reply:** I am informed by the Commissioner of Police that since July 2005 up to 16 July 2009, 95 migrant workers have been involved in the commission of 44 criminal cases such as assault, attempt upon chastity, sexual intercourse with female under 16, sexual harassment, sodomy, swindling, larceny and embezzlement.

The outcome of the 44 criminal cases is as follows –

- 7 cases were prosecuted before court, out of which one case was dismissed and in the remaining 6 cases the accused were convicted;
- 5 cases are pending advice of the Director of Public Prosecutions;
- 20 cases have been classified by the police, and
- 12 cases are pending enquiry.

Mauritius being an “*Etat de Droit*”, nobody is above the law be it a national or a non-citizen. Migrant workers are no exception. We are also reviewing the policy for a more efficient control mechanism in respect of employment of expatriates.

#### **EXPATRIATES - ALLEGED ILLEGAL ACTIVITIES**

**(No. B/880) Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the expatriates working in various factories in Mauritius, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if some of them are allegedly carrying out illegal activities, including solicitation for illicit purposes and, if so, if inquiries have been carried out thereinto and the outcome thereof.

**Reply:** I am informed by the Commissioner of Police that there are police enquires in all complaints and reported cases of illegal activities.

Since year 2000 to 16 July 2009, 34 cases relating to illegal activities such as female workers soliciting male persons for immoral purpose, embezzlement, larceny, swindling and holding occupation other than the one specified in the work permit carried out by expatriates working in factories have been reported to the police. Out of these reported cases –

- 4 persons have been convicted;
- 3 cases have been dismissed by court;
- 4 cases are pending advice of the Director of Public Prosecutions;
- 16 cases have been classified by the police, and
- 7 cases are pending enquiry.

Furthermore, the police has also detected three cases of illegal activities by expatriate factory workers, out of which –

- one person was convicted;
- one case was classified, and one case is still under enquiry.

#### **ROAD BLOCK OPERATIONS – July 2008-21 July 2009**

**(No. B/881) Mr S. Soodhun (Fifth Member for La Caverne and Phoenix)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the road block operations carried out by the police for police control, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, since July 2008 to date.

**Reply:** Section 13 of the Police Act makes provisions for road barriers, commonly known as road blocks. I am informed by the Commissioner of Police that 8,803 road barriers have been carried out since July 2008 to date, as a result of which, 19,673 contraventions have been established.

In addition, these operations have led to the detection of various crimes relating to drugs, larceny and possession of offensive weapons. These road barriers placed at strategic points provide a visible presence of police throughout the island, thus contributing to the prevention and detection of crime. These operations which have been sustained during the last year have undoubtedly contributed to the decrease in crime rate in Mauritius.

#### **RODRIGUES - POLICE STATIONS – SHIFT SYSTEM**

**(No. B/882) Mr J. R. Spéville (Second Member for Rodrigues)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the police stations in Rodrigues, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) number of police officers composing a team in a police station on a three shift roster basis, indicating their respective grades;

- (b) number thereof where the officer-in-charge is in the rank of a police sergeant, and
- (c) facilities, in terms of equipment, transport and others that are available at each of them.

**Reply:** With regard to part (a) of the question, I am informed by the Commissioner of Police that there are 5 police stations in Rodrigues and all of them are operating on a 3 shift-system in order to ensure that policing is provided throughout the island on a 24-hour basis. The number of police officers in a team working on 3 shift-system, varies from station to station, depending on the population covered, and the level of commercial and other activities in the area concerned. I am tabling the information requested by the hon. Member.

As regards part (b) of the question, I am informed that 3 of the 5 police stations, namely Port Mathurin, Rivière Coco and Petit Gabriel are under the responsibility of a Police Sergeant, whilst the other two at La Ferme and Grande Montagne, are manned by a Police Inspector. The Divisional Commander of Rodrigues has the overall command of Rodrigues Police Division who pays particular attention to Port Mathurin, Rivière Coco and Petit Gabriel police stations. He is assisted by an Assistant Superintendent of Police and two Chief Inspectors and they are all based at Port Mathurin Divisional Headquarters.

As for part (c) of the question, I am tabling the information requested by the hon. Member.

#### **PRISONS - NATIONAL HUMAN RIGHTS COMMISSIONER – VISIT**

**(No. B/883) Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the National Human Rights Commissioner, information as to if the latter pays regular visits to the prisons and if so, when he last visited one.

**Reply:** Section 4 of the Protection of Human Rights Act 1999 provides, *inter alia*, for the National Human Rights Commission to visit any police station, prison or other place of detention under the control of the State to study the living conditions of the inmates and the treatment afforded to them. I am informed by the Chairperson of the National Human Rights Commission that since its setting up, the Commission has carried out several visits to different prisons. The last visit carried out was on 07 May 2008 at La Bastille prisons.

Mauritius is party to the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment since 1995. This Protocol provides for a system of regular visits by mechanisms at both international and national levels to prevent all forms of ill-treatment of people who are deprived of their liberty. It is under this Protocol that Mauritius received, in October 2007, the visit of a Sub-Committee on the Prevention of Torture from the UN Office of the High Commissioner for Human Rights. One of the recommendations of the Sub-Committee was the establishment of a National Preventive Mechanism and its mandate to be enshrined in law. The National Preventive Mechanism is an obligation under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading

Treatment or Punishment and its main function is to examine regularly the treatment of persons in places of detention and making recommendations for the improvement of their treatment and conditions.

In this respect, I wish to inform the House that a draft Bill providing for the setting up of a National Preventive Mechanism as a new Division of the National Human Rights Commission, is presently being finalised.

### **RODRIGUES – AIRPORT POLICE, PLAINE CORAIL – OPERATIONAL**

**(No. B/884) Mr J. R. Speville (Second Member for Rodrigues)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the police stations, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number of buildings rented from private owners to house same, in mainland Mauritius and in Rodrigues, and
- (b) if the newly built police station at Plaine Corail, Rodrigues, is fully operational and, if so, indicate the –
  - (i) police services that have been transferred thereto, and
  - (ii) equipment available thereat.

**Reply:** With regard to part (a) of the question, I am informed by the Commissioner of Police that there are at present 13 police stations, including 2 out of the 5 police stations in Rodrigues, which are housed in buildings rented from private owners.

As regards part (b), I am informed that the new building at Plaine Corail was constructed to accommodate the Airport Police, and it is fully operational since 01 February 2008. The Airport Police at Plaine Corail caters only for security at the airport whereas policing in the area of Plaine Corail is covered by La Ferme police station.

I am further informed that the new building housing the Airport Police also accommodates the following Units of the Rodrigues police –

- (i) the Passport and Immigration Airport Office;
- (ii) the Airport Anti-Drug and Smuggling Unit, and
- (iii) the Airport CID Office

The Airport police station, including its different units, is equipped with office equipment, wireless communication sets, arms and ammunitions, and a motorcycle. An arrangement already exists whereby other means of transport are made readily and urgently available from the nearest police station or the divisional headquarters.

## **CUNNINGHAM, MR BERT – COMPTROLLER OF CUSTOMS (FORMER) – ALLEGED MALPRACTICES**

**(No. B/885) Mr P. Jugnauth (First Member for Quartier Militaire and Moka)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the police inquiry carried out into the allegations of malpractices levelled by the former Comptroller of Customs, Mr Bert Cunningham, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

**Reply:** I refer the hon. Member to the reply I made to the Private Notice Question on 19 August 2008. My reply, in fact, covers many issues, including the five specific alleged malpractices levelled by the former Director of Customs, Mr Bert Cunningham. It is pertinent to remind the House again that Mauritius is an *'Etat de Droit'* and that our institutions function in all independence. The Director of Public Prosecutions thus acts in his own deliberate judgement and has already, as far back as 2006, advised no further action in one case of alleged undervaluation of several consignments of whisky imported from the UK. The DPP also had advised no prosecution against four officers of Customs Department involved in a case of smuggling cigarettes.

In another case relating to a customs officer posted in Rodrigues who had been accused of facilitating the entry in Rodrigues of an alleged drug smuggler, the MRA Board had decided that no disciplinary action could be taken against the officer but that her conduct should be closely monitored by the Director of Customs. Regarding the case of undervaluation of horses imported by the Mauritius Turf Club, the additional VAT amounting to Rs15.2 m. has already been paid by the club.

As regards the arrest of 6 Malagasy nationals for importation of dangerous drugs, police enquiry into the case is still in progress and the Malagasy nationals are all on remand in jail. In addition, another case relating to overclaim of overtime allowances by two customs officers has been referred to the DPP for advice on 22 May 2009, following police enquiry.

## **PRISONS –MEDICINES & DRUGS – DISTRIBUTION**

**(No. B/886) Mrs S. Grenade (Second Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the mechanism put in place for the daily distribution of medicines and drugs to detainees.

**Reply:** I am informed by the Commissioner of Prisons that the daily distribution of medicines and drugs to detainees in prisons, as prescribed by Medical Officers, is being dispensed by hospital officers who are qualified Nursing Officers.

Hospital officers are responsible for dispensing prescribed medicines and drugs to all detainees in the association yards in the morning and at noon. The hospital officers are assisted, whenever the need arises, by prison officers who have undergone training in Pharmacy Dispensing.



With regard to the distribution of drugs and medicines at night, I am informed that such drugs, including psychotropic drugs are issued at night by hospital officers at Beau Bassin Central Prison only. In other prisons, such drugs are given to detainees by the hospital officers in the late afternoon to be taken at night. To circumvent this problem and as a purely temporary arrangement pending the filling of existing vacancies in the grade of hospital officer, the Commissioner of Prisons has arranged for prison officers who have already undergone training in pharmacy dispensing to dispense the night dose of psychotropic drug to the detainees during their night shift.

As far as dispensing of methadone is concerned, it is being administered to detainees at Beau Bassin Central Prison only. The methadone treatment is being provided to those detainees who were already in the maintenance programme in the community prior to their admission in prisons. The methadone doses are prepared at the Brown Sequad Mental Health Care Centre under the supervision of a pharmacist who is also responsible for transporting and dispensing of the drug to the detainees in the presence of a hospital officer. The methadone is taken orally by the detainees in the presence of these two officers in the morning.

#### **DR. BOULOUX AREA HEALTH CENTRE, LES SALINES – SECURITY MEASURES**

**(No. B/887) Mrs S. Grenade (Second Member for GRNW & Port Louis West)** 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 ensure police security in the region of Les Salines during the distribution of methadone at the Centre Bouloux.

**Reply:** I refer the hon. Member to my reply to Parliamentary Question B/595, on 23 June 2009, wherein I had indicated that the Commissioner of Police would tighten security at all places where methadone is being dispensed.

I am informed by the Commissioner of Police that security measures in the vicinity of the Dr. Bouloux Area Health Centre, including the region of Les Salines, have been intensified and the following additional measures have been taken –

- (a) the frequency of the mobile patrols by the Bain des Dames police station personnel, the Divisional Support Unit and the Emergency Response Squad has been increased. On 07 July 2009, police presence in these regions has led to the arrest of a person wanted in connection with a drug case;
- (b) the Anti-Drug & Smuggling Unit (ADSU) personnel are monitoring the movements of drug addicts and suspected persons, and
- (c) as from 11 July 2009, two Police Constables are detailed for duty at the Dr. Bouloux Centre.

I am further informed by the Commissioner of Police that, since 19 June 2009, no incident has been reported at the Dr. Bouloux Centre and no complaint has been received. The situation in the region of Les Salines is under control.

## MBC - ASHRAFI FINANCIAL WORLD CO. LTD – ADVERTISEMENT BROADCAST

(No. B/888) 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 Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if the Ashrafi Financial World Company Limited is indebted to the Corporation and, if so –

- (a) since when;
- (b) the amount thereof, and
- (c) the measures the Corporation will take to recover the amount.

**Reply:** As regards parts (a) and (b) of the question, I am informed by the Director-General of the Mauritius Broadcasting Corporation that Ashrafi Financial World Company Limited is indebted to the Corporation for advertisements broadcast on MBC services for the period 05 May 2008 to 31 March 2009 for the amount of Rs4,194,492.12.

Insofar as the last part of the question is concerned, I am informed by the Director-General of the MBC that the Corporation has already issued reminders to Ashrafi Financial World Company Limited, with a deadline of 05 June 2009 to settle the account, failing which the matter would be referred for legal action. On 10 July 2009, the MBC received a letter from the company in which it has raised certain issues relating to the advertisement contracts. The Corporation is currently examining these representations and in the light of the findings, the MBC will refer the matter to its Legal Adviser for instructions on the way forward.

## SECRETARY FOR HOME AFFAIRS, S.C.E, P.S & P.A.S - VACANCIES

(No. B/889) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Civil Service and Administrative Reforms whether, in regard to the grades of Secretary for Home Affairs, Senior Chief Executive, Permanent Secretary and Principal Assistant Secretary, he will state the number of vacancies in each case as at to date, indicating when will they be filled.

**Reply (The Prime Minister):** The number of firm vacancies in the grades in question is as follows –

Secretary for Home Affairs	:	1
Senior Chief Executive	:	5
Permanent Secretary	:	8

There is no firm vacancy in the grade of Principal Assistant Secretary. In my reply to PQ B/1095 in November 2007, I had explained that the additional layers in the Administrative Cadre, which had been recommended by the PRB in its 2003 Report, had created some ambiguities and overlapping of roles at senior levels in the hierarchy. These problems were expected to be addressed in the 2008 PRB review.

In its 2008 Report, the PRB has indeed come up with remedial measures. In fact, the new grade of Senior Assistant Secretary, which was introduced in the 2003 Report and which later proved to be superfluous, has been abolished by the 2008 Report and the qualification requirements for the post of Principal Assistant Secretary has consequently been reviewed. The Bureau has also made a number of new recommendations regarding the mode of appointment to the grades of Senior Chief Executive and Permanent Secretary.

Furthermore, the Bureau has recommended that the post of Secretary, Public and Disciplined Forces Service Commissions be replaced by a post of Permanent Secretary. Consequently, one additional post of Permanent Secretary has already been created in the 2009 Budget to give effect to this recommendation.

The existing vacancies have not all been filled on a permanent basis as the PRB's main Report was being awaited. However, following the publication of the main Report, the Association of Public Administrators made representations to the Bureau for consideration in the context of its Errors and Omissions Report. In the circumstances, it was considered appropriate to postpone the filling of the vacancies pending the release of the Errors and Omissions Report.

Nevertheless, in order to avoid any adverse effect on the smooth running of the Ministries, given the crucial role of these senior positions, most of the vacancies have been filled on a temporary basis by assigning the duties of the post to officers from down the hierarchy. In fact, no Ministry has been operating without either an SCE or a Permanent Secretary (full fledge or acting) or other Supervising Officer at its head.

Now that all the contentious issues have already been addressed by the PRB, appropriate recommendations will be made to the PSC for the filling of the vacancies on a permanent basis, depending on needs of the service and for the good of the service.

### **TRIOLET – COMMERCIAL PURPOSES – WATER SUPPLY**

**(No. B/928) Mr M. Dulloo (First Member for Grand' Baie & Poudre d'Or)** asked the Minister of Agro Industry, Food Production & Security whether he will, for the benefit of the House, obtain from the Irrigation Authority, information as to if the Authority is used to receive and process applications for the supply of water for purposes other than irrigation, indicating if such an application was recently received from an inhabitant of Triolet, and processed, indicating

–

- (a) details thereof, and
- (b) if representations were received against the application from planters of the region for being unsatisfied with the irrigation input of the Authority.

**Reply:** I am advised by the Irrigation Authority that a request was made by an inhabitant of Bon Air Road, Morcellement St André in January 2009 for the supply of water for purposes other than irrigation.

The matter was examined by the Board of the Irrigation Authority on 26 June 2009 and it was resolved that legal advice be sought on the request. My Ministry has accordingly written to the State Law Office which has advised that the request should not be entertained as the Irrigation Authority Act does not provide for the supply of water meant for irrigation for commercial purposes.

With regard to part (b), I am informed that no representations have been received at my Ministry regarding the current irrigation input of the Irrigation Authority.

I would like to inform the House that there was a precedent in 1989 when the Irrigation Authority accepted to supply water to Bon Air Fashions Ltd for industrial purpose. The water supply was stopped only in 2002.

#### **NTA – CHIEF ENGINEER – LEAVE – 02 & 03 JULY 2009**

**(No. B/929) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the Chief Engineer of the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if he was on unauthorised leave since 02 July 2009, and if so –

- (a) for how long, and
- (b) if any action has been taken against him.

**Reply:** I am informed by the National Transport Corporation that the Chief Engineer of the Corporation was not on unauthorised leave on 02 and 03 July 2009. Accordingly, parts (a) and (b) of the question do not apply.

#### **SCHOOLS (PRIMARY) – PHYSICAL EDUCATION CLASSES**

**(No. B/930) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Education, Culture & Human Resources whether he will state if physical education classes are carried out in Government primary schools and, if so, indicate the number of schools where such classes are carried out.

**Reply:** One of our main policy objectives is to promote the teaching and practice of physical education so as to foster the overall development of the child.

In line with the above objective, each class in every primary school has been allocated 2 slots of 25 minutes weekly in the timetable for the teaching of physical education.

Following a policy decision in 2000, all general purpose teachers are called upon to teach physical education in their classes. PRB Report 2008 has endorsed this as being part of the duties of general purpose teachers.

In addition, 34 physical education instructors provide support to primary schools. In line with PRB Report 2008, they are responsible for implementation of curriculum on physical education and health. Each Instructor caters for a cluster of 6 to 7 schools in a zone and provides exposure on physical education and health.

In practice, certain types of physical exercises such as breathing, drills, jumping and stretching are generally carried out in schools. Normally, it is the class teacher who takes this responsibility. However, where playgrounds and other sports facilities are available, the physical education instructors organise sports activities such as football, race and other types.

#### **MINISTRY OF AGRO INDUSTRY, FOOD PRODUCTION & SECURITY - FOREIGN ADVISER – ALLEGED HARASSMENT**

**(No. B/931) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister of Agro Industry, Food Production & Security whether he is aware of the allegations pertaining to harassment leveled against a foreign adviser at his Ministry by a lady Scientific Officer and, if so, will he state the actions taken, if any.

**Reply:** Following allegations of harassment made by one lady Scientific Officer of the Ministry of Agro Industry, Food Production and Security against a foreign Adviser, an investigation has been initiated.

Appropriate action will be taken in the light of the outcome of the investigation.

As soon as I took cognizance of the allegations, I called the officer at my office and spoke to her and gave her the guarantee that she will remain at the Animal Production Division, Réduit.

Meanwhile, I have asked the Internal Control Unit of my Ministry to investigate into the matter.

#### **AIR MAURITIUS LTD. – AIRBUS A319, REGISTRATION 3B-NBF – TECHNICAL LOG BOOK**

**(No. B/932) Mr E. Guimbeau (First Member for Curepipe and Midlands)** asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether in regard to the Air Mauritius Ltd., he will, for the benefit of the House, obtain from the company, information as to if, on 04 July 2009, the Airbus A319, registration 3B-NBF, took off without having the Technical Log Book certified and signed by a licensed engineer and, if so, if an inquiry is being carried out thereinto, indicating if disciplinary actions will be taken.

**Reply:** I am informed by the Director of Civil Aviation that the Civil Aviation Regulations 2007 provide for the issuance, by a licensed Aircraft Maintenance Engineer, of a Certificate of Release to Service prior to a flight. Furthermore, Regulation 49 of the Civil Aviation Regulations 2007 makes it mandatory for the Commander of an aircraft to *inter alia* satisfy himself that the aircraft is fit for the intended flight before take-off.

With regard to flight MK 534 of 04 July to Nairobi, I am given to understand that though the Commander of the aircraft ascertained that the aircraft was fit for the flight prior to take-off, there has been a departure from applicable procedures, in that the Certificate of Release to Service was not issued.

This matter is being taken very seriously by the Department of Civil Aviation and Air Mauritius which have both initiated separate investigations to shed light on the matter.

Furthermore, I am informed that, on the basis of a preliminary report from the Director of Civil Aviation, Air Mauritius has caused the Commander of the aircraft to be derostered pending completion of the investigations.

Any disciplinary proceeding by the Company or remedial actions proposed by the Director of Civil Aviation will be contemplated in the light of the outcome of investigations already initiated.

### **MILITARY ROAD, PORT LOUIS – HORSE TRAINING SESSIONS – TRAFFIC CONGESTION**

**(No. B/933) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether he is aware of the traffic congestion being caused by the disorderly parking of vehicles along the Military Road, Port Louis, in the vicinity of the Champ de Mars, since early morning during horse training sessions and, if so, will he state the remedial measures that will be taken.

**Reply:** No complaint has been received at the Traffic Management and Road Safety Unit of my Ministry regarding any traffic congestion caused by the disorderly parking of vehicles in the vicinity of the Champ de Mars.

However, I have requested the Traffic Management and Road Safety Unit to carry out the necessary survey to gauge the impact of the problem, if any, and to apply necessary measures which may be deemed appropriate.

**DR. IDRICE GOOMANY MUNICIPAL CENTRE – BADMINTON COURT –  
TRAINING SESSIONS**

(No. B/934) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the badminton court of the Dr. Idrice Goomany Municipal Centre, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, a list of the organisations which have been allocated training sessions thereat, indicating in each case, the

- (a) days;
- (b) time period;
- (c) period of training, and
- (d) fees payable.

**Reply:** The information asked for is being laid in the Library of the National Assembly.

**FISHERMEN (RODRIGUAN) - DECENTRALISED CO-OPERATION  
PROGRAMME**

(No. B/935) Mr A. Nancy (First Member for Rodrigues) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the programme financed under the Decentralised Co-operation Programme, for the training of the Rodriguan fishermen in Mauritius, he will state if the delegation which recently attended thereto was composed of fishermen and other persons, and if so, indicate the names of these persons, their respective occupation, indicating if any one of them is the director of a company.

**Reply: (The Minister of Local Government, Rodrigues & Outer Islands):** I am advised that no training has been carried out in Mauritius for the Rodriguan fishers under the Decentralised Co-operation Programme.

**CULTURAL EXCHANGE PROGRAMME – CULTURAL TROUPES/INDIVIDUAL  
ARTISTS - SELECTION**

(No. B/936) Mrs S. Grenade (Second Member for GRNW & Port Louis West) asked the Minister of Education, Culture & Human Resources whether, in regard to the cultural exchange programme between his Ministry and the foreign countries, he will state the mechanism that has been set up for the selection of troupes or individuals.

**Reply:** There is no specific mechanism for selection of cultural troupes or individual artists under the Cultural Exchange Programme.

The selection of cultural troupes or individual artists to give performances in foreign countries is made by my Ministry in consultation with the respective missions in Mauritius and our missions overseas. The selection is based on the following criteria –

- (i) nature of festivals/events;
- (ii) cultural background of countries hosting festivals/events;
- (iii) number of performers required;
- (iv) musical and dance style requested by host countries;
- (v) availability of the artists during the period concerned, and
- (vi) financial considerations.

Based on the above criteria, my Ministry ensures that a maximum number of artists have the opportunity to perform in foreign countries under the Cultural Exchange Programme. However, it is to be noted that some countries clearly specify the style of dance/musical groups needed and in some cases even the names of groups are indicated.

We also have cases when cultural troupes or artists have made requests for performance overseas which have received positive reply from host countries. In such cases, as stipulated under the Cultural Exchange Programme, we provide the air tickets and all other costs are borne by the host country.

As for foreign cultural troupes visiting Mauritius under the Cultural Exchange Programme, in certain cases we indicate the style of music/dance group needed for specific festivals, like we request specific style for Divali, Eid, etc., otherwise the sending countries just inform us of the groups coming to Mauritius.

## **PAILLES – WATER SUPPLY**

**(No. B/937) Mrs S. Grenade (Second Member for GRNW & Port Louis West)** asked the Deputy Prime Minister, Minister of Renewable Energy & Public Utilities whether he is aware of the serious and recurrent disruptions in the water supply in several regions of Pailles and, if so, will he, for the benefit of the House, obtain from the Central Water Authority, information as to the remedial measures that will be taken.

**Reply:** I am informed that the regions of Pailles are supplied with water from Anse Courtois reservoir which is of a capacity of 4,000 m<sup>3</sup>. The reservoir is fed from the Pailles Water Treatment Plant through a pumping station.

I am informed that there were several complaints regarding water supply to these regions, especially in March-June. On 16 March, there was disruption of supply due to a breakdown of the main pump and repairs were completed on 25 March. CWA will install a spare pump to avoid disruption of supply in future. In June, the main pipe was broken and repaired on the same day.



In order to eliminate the hardships caused to the inhabitants by water disruption due to clogging of filters after heavy rainfall, the CWA has embarked on a project for the construction of a new Rapid Gravity Filter Plant at Pailles of a capacity of 30,000 m<sup>3</sup> daily.

I am also informed that with the coming into operation of the Bagatelle Dam in the year 2013, water supply in the region will be greatly improved.