

No. 13 of 2011



REPUBLIC OF MAURITIUS

**FIFTH NATIONAL ASSEMBLY**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**FIRST SESSION  
TUESDAY 21 JUNE 2011**

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(Formed by Dr. the Hon. Navinchandra Ramgoolam)

Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	<i>Prime Minister, Minister of Defence, Home Affairs and External Communications</i>
Dr. the Hon. Ahmed Rashid Beebeejaun, GCSK, FRCP	<i>Deputy Prime Minister, Minister of Energy and Public Utilities</i>
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	<i>Vice-Prime Minister, Minister of Social Integration and Economic Empowerment</i>
Hon. Pravind Kumar Jugnauth	<i>Vice-Prime Minister, Minister of Finance and Economic Development</i>
Hon. Anil Kumar Bachoo, GOSK	<i>Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping</i>
Dr. the Hon. Arvin Boolell, GOSK	<i>Minister of Foreign Affairs, Regional Integration and International Trade</i>
Dr. the Hon. Abu Twalib Kasenally, FRCS	<i>Minister of Housing and Lands</i>
Hon. Mrs Sheilabai Bappoo, GOSK	<i>Minister of Gender Equality, Child Development and Family Welfare</i>
Hon. Nandcoomar Bodha	<i>Minister of Tourism and Leisure</i>
Dr. the Hon. Vasant Kumar Bunwaree	<i>Minister of Education and Human Resources</i>
Hon. Satya Veryash Faugoo	<i>Minister of Agro-Industry and Food Security</i>
Hon. Showkutally Soodhun	<i>Minister of Industry and Cooperatives</i>
Hon. Devanand Virahsawmy, GOSK	<i>Minister of Environment and Sustainable Development</i>
Dr. the Hon. Rajeshwar Jeetah	<i>Minister of Tertiary Education, Science, Research and Technology</i>
Hon. Satyaprakash Ritoo	<i>Minister of Youth and Sports</i>
Hon. Mrs Leela Devi Dookun-Luchoomun	<i>Minister of Social Security, National Solidarity and Reform Institutions</i>
Hon. Louis Hervé Aimée	<i>Minister of Local Government and Outer Islands</i>
Hon. Mrs Santi Bai Hanoomanjee	<i>Minister of Health and Quality of Life</i>
Hon. Mookhesswur Choonee	<i>Minister of Arts and Culture</i>
Hon. Tassarajen Pillay Chedumbrum	<i>Minister of Information and Communication Technology</i>
Hon. Louis Joseph Von-Mally, GOSK	<i>Minister of Fisheries and Rodrigues</i>
Hon. Ashit Kumar Gungah	<i>Minister of Civil Service Affairs and Administrative Reforms</i>
Hon Shakeel Ahmed Yousuf Abdul Razack Mohamed	<i>Minister of Labour, Industrial Relations and Employment</i>
Hon Yatindra Nath Varma	<i>Attorney General</i>
Hon John Michaël Tzoun Sao Yeung Sik Yuen	<i>Minister of Business, Enterprise, Commerce and Consumer Protection</i>

*Members*

*Members*

**PRINCIPAL OFFICERS AND OFFICIALS**

<i>Mr Speaker</i>	Purryag, Hon. Rajkeswur, GCSK, GOSK
<i>Deputy Speaker</i>	Roopun, Hon. Prithvirajsing
<i>Deputy Chairman of Committees</i>	Hossen, Hon. Abdullah Hafeez
<i>Clerk of the National Assembly</i>	Dowlutta, Mr R. Ranjit
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**MAURITIUS**

**Fifth National Assembly**

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**FIRST SESSION**

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**Debate No. 13 of 2011**

**Sitting of Tuesday 21 June 2011**

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

**at 11.30 a.m.**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

**PAPERS LAID**

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

- A. Prime Minister's Office –**  
Certificate of Urgency in respect of Road Traffic (Amendment) Bill (No. XIV of 2011).
- B. Ministry of Finance and Economic Development –**  
(a) The Finance and Audit (Business Growth Fund) Regulations 2011 (Government Notice No. 123 of 2011).  
(b) The Annual Report 2010 of the Financial Services Commission (In Original).
- C. Ministry of Education and Human Resources –**  
The Annual Report 2009 of the Private Secondary Schools Authority.
- D. Ministry of Agro Industry and Food Security –**  
The Annual Report 2009 of the Tea Board.
- E. Ministry of Social Security, National Solidarity and Senior Citizens Welfare and Reforms Institutions –**  
The Reports of the Director on the Financial Statements of the National Solidarity Fund for years 2004/2005, 2005/2006 and 2008/2009 (In Original).
- F. Ministry of Civil Service and Administrative Reforms –**  
(a) The Civil Establishment Order 2011 (Government Notice No. 124 of 2011).  
(b) The Civil Establishment (Rodrigues Regional Assembly) Order 2011 (Government Notice (Rodrigues Regional Assembly) No. 2 of 2011).
- G. Ministry of Labour, Industrial Relations and Employment –**  
The International Labour Standards on HIV and AIDS and the World of Work Recommendation, 2010 (No. 200).
- H. Ministry of Business, Enterprise, Commerce and Consumer Protection –**  
The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 10) Regulations 2011 (Government Notice No. 125 of 2011).

**ORAL ANSWERS TO QUESTIONS**  
**PEDESTRIAN CROSSINGS - ACCIDENTS**

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

- (a) for the benefit of the House, obtain from the Commissioner of Police, information, since 2005 to date, on a yearly basis, as to the number of pedestrians -
- (i) killed, and
  - (ii) injured,
- in accidents, when crossing on same, indicating in each case -
- (i) the age of the victim and of the driver, indicating if the driver was previously convicted of road traffic offences;
  - (ii) if it was a case of hit and run, and
  - (iii) the outcome of the court case;
- (b) state the additional measures that will be taken, including amendments to the existing legislation, in relation thereto, for the safety of the users thereof.

**The Prime Minister:** Mr Speaker, Sir, at the very outset, I would like to extend my sincere condolences to the families bereaved by the tragic death of the two persons on Sunday 18 June, following the road accidents at Beau Bassin.

I am informed that one of the two accidents occurred on a pedestrian crossing, the other one occurring on the main road. My condolences also go to all the families of pedestrians, including other victims who have lost their lives in road accidents.

Mr Speaker, Sir, I have on several occasions informed the House that road safety is one of the priorities of the Government. A special Road Safety Management Unit has been set up under the aegis of my Office since 2009 to coordinate all road safety activities, by adopting an integrated approach to the issue. Our priority is to have an effective road management team.

Government is investing massively in improvement of physical infrastructure. New and better roads are being constructed. Pavements, street lighting, traffic lights, underpasses, overpasses and crossings are being installed to protect pedestrians.

Mr Speaker, Sir, I am tabling statistics on the number of road accidents from year 2000 to May 2011. The figures indicate that the number of road accidents reported to the Police

has decreased from a high of 19,178 in 2003 to 7,049 in 2010. In terms of fatal road accidents, the figures were 148 in 2000 and 151 in 2010. With regard to the number of persons killed in road accidents including pedestrians, the figure was 163 in 2000 and was 158 in 2010 and, up to May 2011, the figure is 53. In regard to pedestrians who lost their lives, the figure is 57 for 2010 which is the same as for 2000.

It is worth noting that, over the period of 2001 to 2010, the number of vehicles has increased by 50 percent, that is, from 255,149 to 384,115 which is, as we can see, a much higher percentage increase than the increase in the number of road accidents.

Mr Speaker, Sir, with regard to part (a)(i) and (a)(ii) of the question, I am also tabling the information requested. The other information requested by the hon. Leader of the Opposition is being compiled and will be laid on the Table of the National Assembly.

Mr Speaker, Sir, with regard to part (b) of the question, I am informed that a number of measures have already been taken to address the issue of fatal accidents by the Traffic Branch of the Police, the Traffic Management and Road Safety Unit of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, and the Road Safety Management Unit:

- (i) the Traffic Management and Road Safety Unit and the Traffic Branch have intensified their education and sensitisation campaigns, by targeting those categories of road users who are considered to be more at risk, namely pedestrians, auto/motorcyclists, senior citizens, as well as school children. Those campaigns are carried out through the media, pictorial boards placed at vulnerable spots across the island, lectures and talks conducted in primary and secondary schools, youth centres and community centres and specific sectors such as sugar factories, which employ a number of drivers, firms employing motorcyclists for delivery, and public transport companies;
- (ii) the Police is reinforcing its enforcement activities which include checking of vehicles, preventive patrols, breathalyser tests and regular speed checks;
- (iii) regular snap road blocks and stop and search operations are carried out at strategic points, especially at night, involving officers of the Traffic Branch, the Special Support Unit, the Special Mobile Force, the Emergency Response Service and the regular Police;
- (iv) to deter speeding, two fixed speed cameras have been installed by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping.



- The Police is also using four mobile speed cameras and nine hand-held speed gun throughout the country. Additional fixed speed cameras are being purchased, and
- (v) it is also proposed to privatise the vehicle fitness centres for the examination of vehicles.

I should also add that six reflective number plates have recently been introduced, so that they are more visible.

Mr Speaker, Sir, as I have indicated earlier, we are adopting an integrated approach to deal with the problem of road safety.

Emphasis is also being laid on the need to review the way people learn to drive. In this connection, the Road Safety Management Unit is working, in consultation with all stakeholders, on a project for the setting up of a Driver Education and Training Centre, with the objective of improving the driving competencies of drivers.

The legal framework is being reviewed to address the issue of road safety. In this context, amendments to the Road Traffic Act are being worked out for the introduction of a penalty point system, under which road traffic offenders will be sanctioned not only by fines but also by penalty points, which may lead to disqualification of the licence of a driver. A probationary driving licence scheme will also be introduced at the same time. The draft bill is currently being finalised by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, in consultation with the Office of the Attorney-General and other stakeholders. In fact, I have been made aware that, next week, the Law Reform Commission is meeting all the stakeholders before we come with the Bill.

Furthermore, a draft Road Traffic (Duties of Pedestrians) Regulations 2011 has been prepared by the Special Road Safety Unit at my Office, and is being studied by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping. The main objective of these regulations is to enhance the safety of pedestrians on the roads.

Mr Speaker, Sir, I wish to reassure the House that Government is not remaining passive to the problem relating to road traffic accident. Today itself, the Road Traffic (Amendment) Bill is being introduced into the National Assembly. This Bill will include private medical institutions and health centres in the definition of hospital, and Police will then have access to those premises for the purpose of breath tests and alcohol level in blood being determined.

Mr Speaker, Sir, amongst other measures envisaged in the overall context of road safety and security, it is proposed -

- (i) to place what is called Belisha flashing lamps for more visibility of pedestrian crossing, to forewarn both drivers and pedestrians, and

(ii) to revisit the location of pedestrian crossings.

Mr Speaker, Sir, in order to enhance driving standards, an expression of interest will be invited for the setting up of a Driving Education Training Centre to review and upgrade the learner driving skills and testing standards.

Additionally, with the proposed introduction of the penalty points, a driver, after disqualification period, would need to undergo a refresher training, through the Driving Education Training Centre, before obtaining his driving licence anew.

Furthermore, more than 15 sets of road traffic legislation are currently at different stages of drafting, and they aim at addressing different problems encountered in fields of road traffic and road safety.

Mr Speaker, Sir, as it can be seen, Government is doing its utmost to address the problems that may be leading to accidents, resulting in injury and loss of life.

**Mr Bérenger:** Mr Speaker, Sir, the hon. Prime Minister is tabling the number of persons who were either killed or injured on pedestrian crossings. Can we, at least, have the total number of persons who have been killed on pedestrian crossings and injured since 2005?

**The Prime Minister:** The total number of pedestrians, who have been killed from 2005 to date, that is, as at June, is 17 and the number of wounded is 358.

**Mr Bérenger:** I am sure the hon. Prime Minister will agree with me that - especially after the events of last Tuesday at Beau Bassin - one person killed or injured on pedestrian crossings is one too many, but, now, we are told that 17 people have been killed since 2005 on pedestrian crossings and 350 wounded. Can I ask the hon. Prime Minister, especially after what happened last Tuesday, whether Police has objected to bail, at least, in that case of last Sunday?

**The Prime Minister:** The Police normally have to look at whether they have to object to bail, whether it is reasonable that objection will be accepted by the Magistrate; so, they look on a case-by-case basis.

**Mr Bérenger:** That is my point. That occurred on Sunday, and everybody across the country was deeply disturbed. What happened on Monday when that person was brought before court? Did Police have instructions? Did Police object to bail?

**The Prime Minister:** Normally, the instruction is for the Police to object to bail. They consult the State Law Office before deciding whether they will or not, but, generally, they do object to bail.

**Mr Bérenger:** Can I know if the hon. Prime Minister has had the occasion of looking at how many driving licences were suspended or cancelled since 2005?

**The Prime Minister:** We had a problem with that case of suspension of driving licence. Under section 123, the immediate suspension of a driving licence, which was being carried out, has been held to be unconstitutional in the Supreme Court in 2008 so immediate suspension is not being done because of that provision.

I must say, Mr Speaker, Sir, that, last year, in Singapore, they have been discussing on passing a similar law. Perhaps we would need to be in agreement with the Opposition as to whether we should amend this, so that we can immediately suspend the licences of such people.

**Mr Bérenger:** I did not say ‘immediate’. I said ‘as a result of due legal process, how many licences have been suspended or revoked’, and I did not get an answer. In the case of hit and run, there were again a deterioration of the situation; 162 hit and run cases in 2010. Can I know how many of these 162 cases of hit and run were accidents on pedestrian crossings?

**The Prime Minister:** Mr Speaker, Sir, the details are being provided by the Police. It is a long procedure that is why I said I will table the information once we have all, because all of them are not classified as such. They need to reclassify them and give the details.

**Mr Bérenger:** I understand that people, who for having killed somebody on the pedestrian crossings or, in general, for traffic offences, are brought to court under section 239, Involuntary homicide and wounds and blows, which says that -

“Any person who, by unskilfulness, imprudence, want of caution, negligence or non-observance of regulations, involuntarily commits homicide, or is the unwilling cause of homicide shall be punished by imprisonment and by a fine not exceeding 50,000 rupees.”

Has the hon. Prime Minister had the occasion of looking at the court rulings since 2005, as I asked, for this extremely serious offence of killing somebody on a pedestrian crossing? What has been the pattern of court findings?

**The Prime Minister:** Unfortunately, I must say, Mr Speaker, Sir, the pattern has been for a fine instead of arresting these people and locking them up. Unfortunately, as I said, this has been the pattern.

**Mr Bérenger:** The Road Traffic Act has a number of different sections dealing with of all sorts of things: breath test, everything; at least, 50 different sections, but, in fact, there is no section dealing – according to what I have studied - pedestrian crossings at all. Has the attention of the Prime Minister been brought to that and will this gap in our legislation be filled?

**The Prime Minister:** In fact, I mentioned it, Mr Speaker, Sir. No sanctions can be taken because there is nothing in the regulations of the law that is why it is being addressed. I think I mentioned it at one point that this also is being looked at.

**Mr Bérenger:** We have been told earlier that fresh legislations will be forthcoming, but concerning the measures – I am glad I heard it. The hon. Prime Minister will remember, it is not the first time that I am raising this issue of pedestrian crossings here. Two points which I made, one has been taken up - I am glad - that is, flashing lights to signal, especially at night, but even in daytime to signal a pedestrian crossing, so that the driver coming, especially tourists, will know. I am glad to hear that these will be reinstalled because some were installed in the past, but I know that there have been acts of vandalism. Therefore we will see to it that there is a campaign on. Measures are being taken not only to install them, but to blame seriously those who commit acts of vandalisms.

**The Prime Minister:** This is what I said, this is being brought and also to address this question of vandalism. I should perhaps also add that they are relooking at all the marking on the roads for pedestrian crossings, whether we should change it. Some countries have changed it, some haven't, but we are looking at that as well.

**Mr Bérenger:** The other point which I raised concerning pedestrian crossings is the sign - the *panneau* - warning motorists that there is a pedestrian crossing. I have raised that here several times. It is a few feet: two feet, three feet before the pedestrian crossing. There is absolutely no way, especially if it is a tourist, for the driver coming at certain speed, even if it is not a very high speed, to have the time to see and to act. Therefore, will that also be looked into? The flashing light will have to be on the pedestrian crossing, but the sign - the *panneau* - that there is a pedestrian crossing ahead will have to be reviewed and moved further.

**The Prime Minister:** In fact, when the question was raised - I know the hon. Minister had discussions on this - we had been told that they are as per international regulations, but we must review it if need be. This is what the Police have said: it is according to international regulations, that is, the distance that they have to be put.

**Mr Bérenger:** Can I raise, with your permission, something which I raised last week and which is, I believe, pertinent. In the past, when we were in Government, we banned *les vitres teintées* completely. In its wisdom, the present Government has come back with it, graduating. Now, we all have eyes to see. On the road, this morning, I saw at least three, four, five cars with *vitres teintées* which are not to the norm. It does not help pedestrians. They don't see the driver coming and using a portable phone is supposed to be an offence. You can't see in all those cars whether the driver is using a portable phone and the pedestrian

either cannot. Therefore, will that be reviewed, at least, Police actions taken against those cars who are flouting the so-called regulations and, maybe, the regulations are toughened further.

**The Prime Minister:** Generally, we are toughening the regulations in all aspects, but I should point out that the tinted windows, they are not tinted - as the hon. Leader of the Opposition knows - neither in front nor at the back. What we have done is to apply the international regulations because we have had complaints - and I think rightly so - in that if we had applied the regulations that were put in place, it would have meant that every car coming new from abroad would have had to re-change their tinted windows. That is why we have applied the international standard of tinted windows and no more. If there are - and probably there are since the hon. Leader of the Opposition, himself, said he saw one this morning - that is an offence and the Police will certainly have to look into that.

**Mr Bérenger:** The hon. Prime Minister made reference to a special Committee set up for traffic issues at his Ministry. Is he aware that a few days ago, the staff of the Traffic Management and Road Safety Unit complained that, in fact, their staffing has been going down and that, therefore, it has become very difficult for them to perform as far as road accidents and so on are concerned?

**The Prime Minister:** This has not been brought to my attention whether this is actually the case, but we are, in fact, increasing the number of staff for different sections. If that is the case precisely, I will have to look into it.

**Mr Lesjongard:** *Mr Speaker, Sir, with regard to those big bikes on our highways, ce qu'on appelle "les grosses motos", est-ce que le Premier ministre est au courant à quel point c'est dangereux de nos jours lorsque ces grosses motos traversent sur l'autoroute? Quelles sont les mesures prises en ce moment afin de contrôler cette situation parce que tout récemment on a vu des accidents, qui le plus souvent, arrivent durant les week-ends?*

**The Prime Minister:** I think hon. Obeegadoo raised that point last week at Adjournment time as to whether we should allow the big motorbikes. From what I understand, they are allowed on motorways in other countries - the big ones I am talking about; whether we should distinguish between the ones with big cylinders and the smaller ones is another matter. Whether we should also ban them completely - if that is what you are saying - I don't know if that would be appropriate.

*(Interruptions)*

Yes, I know, they do so in other countries as well. The Police are taking the racing bit seriously; I know that already, but we have to enforce the law.

**Mr Speaker:** I will have to remind hon. Member that this question relates to pedestrian crossing alone. It is a very important issue, I agree, but I have to apply the rule. This is pedestrian crossing.

**Ms Deerpalsing:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether the accidents have happened at multiple occurrences at the same pedestrian crossings and whether Government will envisage placing CCTV cameras or speed cameras at these pedestrian crossings and other pedestrian crossings?

**The Prime Minister:** Whether that is practical, we are also looking at that, but there are two questions relating to those accidents...

*(Interruptions)*

I must say it has decreased, in fact.

**Mr Baloomoody:** Mr Speaker, Sir, the hon. Prime Minister just mentioned that we are reviewing the way people are receiving their driving licences. Can I ask the hon. Prime Minister to see to it that, when people apply for a copy of their licence, an inquiry be conducted before they receive their copy? There are many people who, knowing that their licence will be suspended after they have committed an accident, go and apply for a copy. When they are asked to surrender the licence, they surrender the original and keep driving with the copy. It is so easy to get a copy apparently. Will the hon. Prime Minister look into the matter?

*(Interruptions)*

**The Prime Minister:** That is something that certainly the Police will have to look into. People have to be made responsible. I think the law also has to be strengthened on that issue. If you are driving without a proper driving licence, you have to pay the consequences, that is, including the copy.

**Mr Obeegadoo:** Mr Speaker, Sir, my question relates to drunken driving. Do we have statistics which will allow us to have a clearer picture as to the responsibility to be attributed to driving under the influence of alcohol for the accidents on pedestrian crossings or fatal accidents generally?

**Mr Speaker:** No, 'generally' won't be allowed. The question relates to pedestrian crossings only.

**The Prime Minister:** I said the Police are trying to compile all the figures that have been specifically asked, although they do not generally look at pedestrian crossings separately; that is why they have to sort out these answers. Again, people have to be made responsible. This is a terrible act of irresponsibility to drive while you are under the influence

of alcohol. The penalty, I must say - as the hon. Leader of the Opposition has just said - will have to be reviewed. We have been told in the past that we should allow the discretion of the Magistrate to decide but we are finding that decisions generally tend to be for a fine. I personally think it should be strengthened.

**Mr Dayal:** Mr Speaker, Sir, can I ask the hon. Prime Minister, with regard to pedestrian crossings and the number of accidents that he has just mentioned, how many of them involve heavyweight vehicles and 4 x 4?

**The Prime Minister:** I don't even know whether they have it specifically for 4X4 or heavy vehicles, but they are looking at giving all the information that they have.

**Mrs Labelle:** Among the measures the hon. Prime Minister mentioned, he talked about the probation driving licence. Will the hon. Prime Minister consider, after the issuing of a probation driving licence, accompanied driving for a certain number of kilometres or period as it is the case, I think, in several countries? In France, it is the case; there is accompanied driving before issuing the final driving licence.

**The Prime Minister:** We have looked at that, in fact. We have to look at all the legal implications once you have given him the licence, but we think it can be done. This is one of the things. Also the probation licence, I should add, will not last for one year, but two years with a specific notice at the back and in front of the car that it is a probation driver; it is a new driver.

**Dr. S. Boolell:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether he would look into the possibility of standardising the teaching and training of the drivers by driving schools and of monitoring the teaching and training of those schools?

**The Prime Minister:** I totally agree with the hon. Member. This is one of the things that is being done at this new Driving Centre that is being set up.

**Dr. Sorefan:** The hon. Prime Minister has mentioned that 17 cases have been killed and about 358 cases injured. The Leader of the Opposition has mentioned one is too many. Would the hon. the Prime Minister consider setting up a Prime Minister's Assistance Fund for fatal cases, considering also assistance to bereaved families during insurance or court cases are being finalised?

**The Prime Minister:** This question, I think, was asked by hon. Deerpalsing last week or the week before, if I remember. We have a Prime Minister's Relief Fund specifically for this kind of hardships but, unfortunately, we need to wait until the inquiry is over. That is why it takes time. There are legal implications of doing it before, but this is certainly something, after hon. Ms Deerpalsing asked the question, we are looking at. I must also say

that the pattern has not changed. I have said 17 and 358, but the pattern is more or less the same. In fact, if you see the number of road traffic accidents - I will be tabling this, but I mentioned the figures - it has decreased but, as the hon. Member rightly said and as the hon. Leader of the Opposition rightly said also, one is one too many.

**Mr Fakeemeeah:** I very much appreciate all the positive measures being taken by our Government, but it seems that only the public is being blamed. That is why I want to come with a specific question on the authorities. I want to know from the hon. Prime Minister what Mr Ben Buntipilly is doing? What are the advices he is giving because I wonder...

**Mr Speaker:** No comment! The hon. Member should ask the question.

**Mr Fakeemeeah:** I wonder that he may be the very trouble for all these accidents. This is the outcry in Line Barracks.

**Mr Speaker:** The hon. Member is making a speech. He should put the question.

**The Prime Minister:** In fact, Mr Speaker, Sir, he has been chosen because of his experience and because of what he was doing before. He has great experience. We are very happy with what advice he is giving. In fact, all these changes he is discussing with me and the Minister concerned to bring in. As usual, if somebody is trying to bring change, there are some people who are unhappy, there is resistance, but we will have to do what needs to be done. What we want to do, as I have said, is to ensure that we have zero road traffic accident if we can. In no country is there zero! We need to bring the numbers down because a life lost is a life lost forever. Let me reassure the hon. Member. He is giving very good advice. Some of what he is saying, obviously, is not agreed with all the time. He is an adviser after all, but I am very happy that we have taken him on board and we will bring in some changes.

**Mr Baloomoody:** Now that we know there is no specific offence regarding accidents on pedestrian crossings, will the hon. Prime Minister consider amending the law so that we have an aggravated offence specific for pedestrian crossings which will carry a harsher penalty.

**The Prime Minister:** Maybe there is confusion. What I said is that we are drafting regulations for pedestrians as well for they have also to be responsible, but all the laws are being relooked at. That is what I said earlier.

**Mr Ganoo:** The hon. Prime Minister has talked about changing the law, suggesting more repression and so on which is one side of the story, but doesn't he think also that the question of education, advertising, of publicity, of awareness ...

**Mr Speaker:** He has said so.

**Mr Ganoo:** for young drivers should also be intensified?



**Mr Speaker:** The Prime Minister has already mentioned this in his answer. Hon. Leader of the Opposition!

**Mr Bérenger:** Mr Speaker, Sir, we had those figures. I think the whole country would be rather shocked: 17 people killed since 2005 and 358 wounded on pedestrian crossings. It is really shocking and we know that last year in 2010 fatal accidents increased by 14%, the worse year for the last ten years. His special adviser, Mr Ben Buntipilly, two months ago, announced a series of measures and some relate to this pedestrian crossing issue, specially one which I did not hear the hon. Prime Minister mentioning - maybe I missed it - a *centre de formation* to train, really well train young people, people who are going to become drivers. Are we going ahead with that? Finally, can I ask the hon. Prime Minister: would he agree with me that the priority is to come with this piece of legislation on pedestrian crossings, tough penalties, *une campagne* to get drivers and so on to be aware? Can we imagine something worse? The old people especially take care to go to the pedestrian crossings; they take care to cross there, and they get killed. I can hardly imagine worse circumstances. Therefore, will priority be given to that?

**The Prime Minister:** As I said, Mr Speaker, Sir, I need to point out again that the statistics that I have referred to show the same pattern. It is not a dramatic increase or an increase. It is the same pattern that is going on. In fact, road traffic accidents have been reduced from the high of 19,178 in 2002 to 7049. It is a dramatic reduction, in fact.

*(Interruptions)*

That is their problem, but those statistics could not have changed; they are still the same statistics.

**Mr Speaker:** No interaction please!

**The Prime Minister:** I must point this out because it is not correct to say as if there has been a dramatic increase. The other thing is about pedestrians. I am sure in the law - barristers on the other side would know - it is already an aggravating circumstance to kill somebody, but we need to toughen the law. That I agree and that is what we are doing.

**Mr Speaker:** Time is over! Questions addressed to Dr. the hon. Prime Minister.

#### **JOHN KENNEDY, VACOAS - ROAD ACCIDENT – 29 MAY 2011**

(No. B/515) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the road accident which occurred in the Nanapragassen Lane, John Kennedy, Vacoas, on Sunday 29 May 2011 and which caused the death of one Mr R. D., he will, for the

benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that on Sunday 29 May 2011 at around 08.10 hours, following a telephone call received at Vacoas Police Station, the Police attended to a case of road accident in a lane adjacent to Nanapragassen Lane, Vacoas involving a private van and a pedestrian.

The pedestrian, one Mr R. D., aged 69, died at the scene of the accident. The body was conveyed to Princess Margaret Orthopedic Centre, Mortuary House, Candos for post-mortem examinations. Autopsy performed on the same day by the Chief Police Medical Officer revealed that the death was caused by 'Cranio-Cerebral Injuries'.

On the same day at about 09.40 hours, a breathalyser test was performed on the driver of the private van and the test was negative. The driver was arrested on the same day and detained at the Vacoas Police Station.

On 30 May 2011, the driver appeared before the Curepipe District Court and was provisionally charged for the offence of 'causing death by dangerous driving' under section 123(b) of the Road Traffic Act of 1962. He was allowed bail on the same day after furnishing a surety of Rs10,000 and a recognizance of Rs100,000. The bail has been extended up to 25 October 2011.

Inquiry into this case is ongoing.

#### **ACCIDENTS (FATAL) - BURIAL CERTIFICATE & POLICE MORTUARY TRANSPORT**

(No. B/516) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to fatal road accidents which occur during Sundays and public holidays, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the assistance provided for the -

- (a) issue of the burial certificate, and
- (b) services of Police mortuary transport.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that, with regard to fatal road accidents occurring during Sundays and public holidays, the Police officer attending the *post mortem* or autopsy, declares the death at the appropriate Civil Status Office. After registration thereof, the Death Certificate is drawn up and the burial permit, issued by the Civil Status Officer, is handed over to the relatives of the victim.

The Civil Status Division has existing arrangements for the issue of burial permits on Sundays and public holidays, whereby designated Civil Status Offices at district level are open from 09.00 hours to 12.00 hours for registration of deaths and issue of burial permits. Furthermore, arrangements have been made with the Police for an on-call service from noon to 17.00 hours for registration of deaths requiring an early burial; and for this service to remain available after 17.00 hours in cases of emergency. To that effect, the relatives of a deceased have to make a request to the local Police station to obtain the services of the Civil Status Officer.

Mr Speaker, Sir, crematorium permits are issued by the Regional Health Offices of the Ministry of Health and Quality of Life. However, that Ministry does not operate a service beyond 17.00 hours and it has been requested to put in place an on-call service for emergency cremation cases.

In regards to part (b) of the question, a 24/7 service is provided by the Police Transport Guard for the conveyance to the mortuary houses of the dead bodies resulting from Police cases. Once the body is handed over to the relatives at the mortuary houses, the Police do not provide any means of transport for such conveyance. However, in extreme cases of hardship where the family does not have any means to transport the body, the Police consider such requests for transport positively.

**Ms Anquetil:** Je remercie le Premier ministre pour sa réponse. Est-ce que le Premier ministre pourrait considérer la possibilité de revoir les procédures concernant l'obtention du *burial certificate* et demander plutôt à l'officier de faire le déplacement chez la famille du défunt, étant donné qu'actuellement c'est un membre de la famille - je parle des dimanches et jours de congés publics - qui doit récupérer tous les documents et aller vers l'officier?

**The Prime Minister:** Whether this will be practical is what the issue is, Mr Speaker, Sir. We can relook at the matter, but whether it will actually be practical for the Police themselves to do it, I will have to discuss it with the Commissioner of Police.

**Dr. S. Boolell:** Mr Speaker, Sir, on religious grounds - for some religious specificities - could the hon. Prime Minister kindly consider to extend the hours of opening of the Civil Status Office from 12.00 hrs to at least 5.00 p.m. because the deaths which do occur between 12.00 hrs and 5.00 p.m. are almost never registered towards burial?

**Mr Speaker:** Is the hon. Member talking about the accident cases?

**Dr. S. Boolell:** No, about the burial certificate.

**Mr Speaker:** Burial certificate relating to accident cases?

**Dr. S. Boolell:** No, for any.

**Mr Speaker:** No, this is not allowed. It does not arise from the question.

*(Interruptions)*

**Ms Anquetil:** Mr Speaker, Sir, can the hon. Prime Minister inform the House if all Police stations are equipped with disaster body bags and if the replacement of equipment is made properly in all Police stations?

**The Prime Minister:** My understanding is that these bags are in the mortuary vans, but not necessarily at the Police stations, but we are reviewing this, we are asking that the vehicles at the Police stations also carry what is called the disaster body bags so that there is no delay for that.

**Mr Uteem:** Mr Speaker, Sir, the hon. Prime Minister mentioned the opening hours to issue a burial certificate. For certain communities in this country, we need to bury the dead as soon as possible. In cases where an autopsy is carried out for fatal accidents, sometimes there are doctors who are not available or a time limit where doctors are available to carry out autopsy on fatal accidents. Would the hon. Prime Minister see to it, in case of emergency, especially for those who need to do the burial, to have doctors on standby to carry out autopsy so that the dead can be buried as soon as possible?

**The Prime Minister:** My understanding is that the Police do look at this favourably; they try to do it as quickly as possible. Generally, that is the principle that they apply.

#### **COMPETITION COMMISSION - RESTRICTIVE BUSINESS PRACTICE - INVESTIGATION**

**(No. B/517) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Competition Commission, he will, for the benefit of the House, obtain from the Commission, information as to the number of cases investigated into to determine if a restrictive business practice has occurred or is occurring, if any, since its setting up to date, indicating the outcome thereof in each case.

**The Prime Minister:** Mr Speaker, Sir, the Competition Commission of Mauritius became operational as from 25 November 2009, and I am informed by its Executive Director that 50 inquiries and nine investigations have been conducted into suspected cases of restrictive business practices.

An inquiry, which is conducted in accordance with the Rules of Procedure established under section 38 of the Competition Act, is a pre-investigation to determine whether there are reasonable grounds to embark on investigations. This may be the result of a complaint or the Commission may on its own accord or discretion initiate an investigation. So far, inquiries

have been conducted by the Commission into sectors including, the retail supply of food and drink products; healthcare services; insurance; banking; television programming; books; telecommunications, and gambling products.

Where inquiries have not revealed restrictive business practices, but do touch on matters of broad public interest, the Commission publishes its findings on the inquiries.

Furthermore, where inquiries have revealed reasonable basis to believe that restrictive business practice has occurred or is occurring or will occur in the future, the Competition Commission opens formal investigations in accordance with section 51 of the Competition Act. To date, nine cases are being investigated. Out of these, four investigations have been completed; one has been closed; one is pending before the Commissioners for a decision and three are ongoing.

A market study has also been completed in the cement industry and a hearing on this matter has been arranged for 24 June of this year where all stakeholders have been invited to give their views.

More information on the inquiries and findings is obtainable on the website of the Competition Commission of Mauritius.

Mr Speaker, Sir, the Competition Commission of Mauritius further expects to investigate around eight matters in 2011 and thereafter will aim for about 10 investigations per year and on average.

The Competition Commission of Mauritius has within a relatively short span of time since it became operational, demonstrated, I think, its effectiveness in safeguarding and promoting competition in Mauritius, and acting as a deterrent to predatory behaviour of some companies that wish to monopolise the market.

**Mr Dayal:** Mr Speaker, Sir, can I ask the hon. Prime Minister, out of the number of cases he has mentioned, whether the Commission has investigated into the importation of Kraft Cheese and what has been the result?

**The Prime Minister:** Yes, in fact, there was an investigation done on Kraft and general rebates, restrictive business practices in terms of monopoly abuse were found and the offending party was directed by the Competition Commission to cease this practice of giving retailers retroactive rebates on volume remuneration to Kraft block processed cheese.

**Mr Dayal:** Mr Speaker, Sir, can I ask the hon. Prime Minister whether the Commission has also investigated into the importation of cement by the two companies in order to establish whether there is restrictive business practice and whether the price at which cement is being sold reflects the real price to the consumer?

**The Prime Minister:** It is pretty long if I have to give details, but, in fact, the Commission has investigated those issues and I think I have mentioned in my answer that the liberalisation of cement market as from 01 July is part of that programme after the recommendations of the Commission.

**Mr Dayal:** Mr Speaker, Sir, is the hon. Prime Minister aware that one of the cement importers is offering incentive namely Rs5 per bag as a discount to attract wholesalers to buy its cement. Another cement importer is offering a similar incentive by way of a grant in cash to wholesalers. Will the Commission investigate into this matter?

**The Prime Minister:** In fact, the Commission has investigated into this matter, that is why I think I mentioned that there is going to be a meeting with them. They have found the abuse on that basis, but the liberalisation of the cement industry should also break down this abuse of process.

**Mr Ameer Meea:** Mr Speaker, Sir, can I ask the hon. Prime Minister if the Competition Commission has investigated in the case of importation of livestock cattle? Maybe he is not aware that there is a monopoly controlling these importations of livestock cattle and, if he is not aware, can he request the Commission to investigate into this matter.

**The Prime Minister:** In fact, they are aware of this. They have investigated, I believe the report has just been finalised and sent to different parties. Now, there will be a hearing which will be conducted.

**Mr Fakeemeeah:** Mr Speaker, Sir, I believe the hon. Prime Minister will not agree with me that the Competition Commission is perceived in the public to be an *éléphant blanc*. To this effect, I would ...

*(Interruptions)*

**Mr Speaker:** Can I intervene? The hon. Member has to put questions, and cannot make comment.

**Mr Fakeemeeah:** To this effect, would the hon. Prime Minister see to it that it should be scrapped and replaced by a more reliable institution to meet the public expectations.

**The Prime Minister:** Mr Speaker, Sir, I am afraid, I think, on that issue the hon. Member is wrong. That is in fact not the case. I think I explained that they have had 50 inquiries, and investigations are being conducted. An abuse of process has been seen and there is monopoly in certain companies which have been asked to review their practice; many of them have. I can give you many examples where they have actually done what the Commission had asked them to do. I think in a short span of time, in fact, they have done a

good work and they are, in fact, acting as a deterrent for the predatory behaviour as I said earlier on.

### **CARS - LARCENY**

**(No. B/518) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the larceny of cars, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, since November 2009 to-date, indicating the additional measures that will be taken for the combating thereof.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that since November 2009 to date, there have been 91 reported cases of larceny of cars, out of which 41 have been recovered.

I have in November 2009 informed the House that the Commissioner of Police and the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping have implemented preventive measures to avert larceny of cars. These measures have brought positive results and the number of cases of larceny of cars has decreased from 106 in 2009 to 72 in 2010.

Police have intensified checks carried out at garages, second hand spare parts shops and scrap metal dealers' yard.

The Police Crime Prevention Unit sensitises the community with a view to promoting awareness through various forums/workshops on their personal and property protection. A specific item of these campaigns is "Vehicles Crime Prevention". The Unit has also organised exhibitions at different regions where members of the public had the opportunity to visit a special stand on 'Car and Motor Cycle Crime Prevention' where a car and motorcycle were displayed with various security gadgets. Booklets and leaflets on Car Crime Prevention and stickers for motorcycles were distributed freely to the visitors.

The Crime Prevention Unit has sought the collaboration of the Mauritius Broadcasting Corporation and other radio stations to broadcast programmes on crime prevention including cars and motorcycles security. The recent radio programme on car security was aired on a private radio on 15 June this year.

Mr Speaker, Sir, the Road Traffic Act makes it compulsory for owners of vehicles to notify the National Transport Authority of any vehicle destroyed or scrapped from use. However, there is no such obligation on insurers and vehicles considered as total loss are sold

to individuals or auctioneers. Those persons purchasing these damaged vehicles tamper with the chassis number of stolen vehicles and use the papers of damaged vehicles to register and license the stolen vehicles.

To address this malpractice, the law is being amended to provide for the insurers to report on cases of vehicles treated as a total loss at their end to the NTA, and for the registration books of those vehicles to be surrendered for cancellation.

**Mr Nagalingum:** Mr Speaker, Sir, can the hon. Prime Minister tell us where matters stand on the inquiry where many stolen cars were found by the CID at Riche Mare in November last?

**The Prime Minister:** I think the case is taken to court or is with the DPP, but it is being investigated.

**Mr Nagalingum:** Mr Speaker, Sir, is the hon. Prime Minister aware that, in some cases, accused involved in larceny of cars on more than three occasions are being bailed out easily?

**The Prime Minister:** That is something where the decision is taken in the court by the Magistrate. This is as it is.

**Mr Seetaram:** Can I ask the hon. Prime Minister whether the procedure of combating car crime, more specifically larceny of stolen vehicles, by means of a car tracking device can be studied by the office of the Commissioner of Police and maybe this can bring some improvement in our fight against car crime.

**The Prime Minister:** In other countries, it is an option that you have. Normally, in other countries, if you use that option, the insurance premium goes down, but that must be on the part of the private individual who wants to put it in his vehicle. I think this is something that will be helpful.

**Mr Ganoo:** Does the hon. Prime Minister have the statistics with regard to the number of stolen cars which have been retrieved in terms of the percentage of cars stolen for joyride and the percentage stolen for perpetration of other crimes?

**The Prime Minister:** It is difficult to have all these statistics at hand, but I can look into the matter.

**Mr Obeegadoo:** Is the hon. Prime Minister aware of the growing phenomenon of theft of number plates which are then affixed to stolen cars and, if so, will he look into the possibility of the specification of number plates being so defined as to prevent theft thereof?

**The Prime Minister:** That is already being done from what I understand from the Ministry.



### **POLICE OFFICERS (INCAPACITATED) - REDEPLOYMENT**

**(No. B/519) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Police officers who are temporarily or permanently incapacitated through disease or trauma sustained in the performance of their duties, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if facilities exist for their redeployment.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, in accordance with Section 23 (1) of the Disciplined Forces Service Commission Regulations, any Police officer who appears to be incapacitated through disease or trauma, whether or not sustained in the performance of his duties, is requested to present himself before a Medical Board set up under the Ministry of Health and Quality of Life.

If the Medical Board finds the Police officer to be permanently incapacitated, he is requested to retire on medical ground with pension benefits. If the officer's incapacity has been caused in the performance of his duties, he is paid an additional benefit as prescribed at Section 24 of the Pensions Regulations.

In case the Police officer is found to be temporarily incapacitated by the Medical Board, he is granted sick or injury leave. Upon expiry of his leave, he is reassessed by the Medical Board. The Board may, thereafter, either recommend extension of the injury leave or resumption of duties. The Board may further recommend that, upon resumption of duties, the Police officer be redeployed pending his full recovery. Depending on the nature of the injury sustained, the Medical Board may recommend that a Police officer be assigned only duties as per his capability pending his recovery. In such cases, the Commissioner of Police abides by the recommendations of the Medical Board and facilities of redeployment are provided to the officer concerned pending his next reassessment by the Medical Board.

**Dr. S. Boolell:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether, on humanitarian grounds, anybody suffering from a disability which might include a cardiac attack be redeployed in one of the soft jobs of the Police Force or alternatively in a different Ministry?

**The Prime Minister:** In fact, my understanding is that's what the Police try to do. Maybe they don't manage to do it in all cases, but that is the intention.

**Mr Fakeemeeah:** Mr Speaker, Sir, I would like to know from the hon. Prime Minister whether it is not the policy of the Government to encourage employers to employ disabled persons.

**Mr Speaker:** No, this question is about Police officers and is not a general one. This question was put last week.

**CITE RICHELIEU, PETITE RIVIERE - ROAD ACCIDENT – 12 JUNE 2011**

**(No. B/520) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the fatal road accident which occurred, on 12 June 2011, at Cité Richelieu, Petite Rivière, 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, indicating the circumstances that led to the accident and the remedial measures taken, if any, to avert the occurrence of similar accidents thereat.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, on Sunday 12 June of this year, at about 20.50 hours, following a telephone call received at Petite Rivière Police Station, Police proceeded to Royal Road, Petite Rivière, where a road accident had occurred, involving a contract van, a motorcycle and a parked car.

On reaching the accident spot, the Police found that the driver of the van had already left. Three passengers, who were in the van, as well as the one sitting behind the rider of the motorcycle were injured and were taken to Dr. Jeetoo Hospital by the Police. The driver of the motorcycle had already passed away and SAMU conveyed his body for autopsy to the Princess Margaret Orthopaedic Centre Mortuary House.

The driver was untraceable on the day of the accident.

On Monday 13 June, that is, the next day, at about 09.22 hours, the driver of the van called at Petite Rivière Police Station. He was arrested and brought before the Black River District Court. He was provisionally charged for the offence of “Involuntary Homicide” and remanded to Police cell till 20 June 2011. He appeared in Court on that day, and was released on bail on the same day after furnishing a surety of Rs40,000 and recognizance of Rs150,000. He will have to report to Petite Rivière Police Station three times a week.

He will reappear in Court on 08 September 2011.

The Police will also prosecute the driver of the van for failing to report a road accident within the prescribed time limit of four hours of its occurrence, as provided in section

140(1)(d) of the Road Traffic Act. This procedure will start after the completion of Police inquiry.

In his statement to the Police, the driver of the van stated that he was driving his contract van along Royal Road, Petite Rivière, and was proceeding towards Port Louis. On reaching near Cernol, a motorcycle coming in the opposite direction left its lane, and collided against his vehicle.

Police inquiry into the case is still ongoing.

Mr Speaker, Sir, since 2000 up to 15 June of this year, three cases of fatal road accidents in the region of Petite Rivière have been reported to the Police, and measures have been taken to improve road safety there, for example -

- (i) footpaths have been provided on both sides of the road;
- (ii) the footpaths are fenced with handrails on both sides;
- (iii) several speed reduction devices have been installed in the locality namely -
  - a pedestrian as well as a normal mode rail, and
  - a signalised pedestrian crossing.

The Ministry of Public Infrastructure, Land Transport and Shipping, in consultation with the Special Road Safety Unit at my Office, is presently finalising a Road Safety Strategic Plan. The key target areas of the plan are the road safety management, safer roads, safer vehicles, safer road users and post crash response. This strategic plan will also include measures for the region of Petite Rivière.

The Police, on its part, have adopted a road safety strategy based on education, prevention and enforcement. Speed check operations are regularly carried out at Royal Road Petite Rivière. Public awareness campaigns targeting road users have been carried out at primary schools and the community centre there. Also, the Officer-in-Charge of the Petite Rivière Police Station holds community policing fora in the neighbourhood of the station area.

**Mr Barbier:** Mr Speaker, Sir, as the hon. Prime Minister just stated, there have been so many accidents there, amongst which two or three fatal ones. Maybe the hon. Prime Minister is aware that the inhabitants had to demonstrate on the streets to have all the measures that he just mentioned taken. There were also two humps placed on the streets which have been removed since the visit of the President of the Republic of China and now, this is causing much problem to the circulation there. I already drew the attention of the Minister concerned to that effect but, unfortunately, these humps have not been replaced. May I ask the hon.

Prime Minister to see to it that these humps are put back so that the situation may be controlled at this spot?

**The Prime Minister:** I know that the hon. Minister has been looking into that. In fact, we are changing the humps to put more modern ones, because what is happening is that some drivers are accelerating in spite of the humps. The hon. Member would have seen, for example, that different kinds of humps are being put in some places.

**Mr Baloomoody:** I understand the hon. Prime Minister told us that the driver will be prosecuted for failing to report, and then, probably, for involuntary homicide.

**The Prime Minister:** No, it's for homicide first.

**Mr Baloomoody:** Can I ask the hon. Prime Minister to review the law with regard to failing to report because, in many cases, where the driver is drunk, he runs away and comes back the next day. Had he been prosecuted for driving under the influence of alcohol, automatically his licence would have been cancelled. This is a false excuse, as very often they run away saying that it is for their own security. I am inviting the hon. Prime Minister to review the law - now that we are reviewing the Road Traffic Act - to make failing to report an accident a serious offence, because many people driving under the influence of alcohol run away and come back the next day.

**The Prime Minister:** Even in that case, that is the argument that the driver said, namely that there was a hostile crowd coming towards him and he ran away. The law already has a prescribed time limit, which is four hours, for them to report. If they do not report within four hours then the procedure is started for failing to report a road traffic accident.

### **FIREARMS - LICENSED HOLDERS**

**(No. B/521) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to firearms, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of licensed holders thereof, per category.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, as at to date, the number of licence holders of firearms is 6,054, out of which 4,937 is for hunting purposes. The firearms are classified as air pistol, air rifle, gun, injection gun, pistol/revolver and rifle.

Mr Speaker, Sir, with a view to allowing enforcement agencies to control the acquisition, possession and use of firearms in a more effective way, the Firearms Act 2006 was enacted.

The Police is exercising stricter control on the importation, possession and use of firearms in the country. Security measures in the port and at the airport have been reinforced to deter the illicit importation of firearms and offensive weapons.

**Mr Barbier:** With regard to the security guards and security service companies, may I know from the hon. Prime Minister how many have the right to possess firearms and how many per company or per guard, and what are the procedures surrounding that? Are all these people trained; do they have the ability to use firearms? Is this being looked into because there is a serious problem in this field where people, working as security guards, handle firearms but never had any training for that purpose. Will the hon. Prime Minister see to it that due consideration is given to training and control, especially concerning security guards and security service companies?

**The Prime Minister:** In fact, there was a specific question on this very subject last week. I don't know whether the hon. Member was there, but I answered very specifically to that question on the number of private security providers who have firearms, the training that they are supposed to take, and the monitoring that the Police do. It is not exactly true. Again, I rechecked after the question last week that they do get training, and they have to get a competency certificate before they are issued with a firearm.

### **POLICE BRUTALITY (ALLEGED) - REPORTED CASES**

**(No. B/522) Mrs A. Perraud (Fourth Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Police brutality, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases of complaints thereof, received since 2009 to date, indicating if inquiries have been carried out thereinto and the outcome thereof in each case.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, during the period 2009 to 17 June 2011, the number of cases of alleged Police brutality reported at the Complaints Investigation Bureau are as follows -

<u>Period</u>	<u>Number of reported cases</u>
Year 2009	256
Year 2010	262

Year 2011 (as at 17 June)

116

Out of these reported cases, in one case two Police officers were convicted, and both of them have been sentenced to pay a fine of Rs3,000 and Rs100 costs for assault, three cases are pending trial before the Court, 12 cases have been submitted to the Director of Public Prosecutions for advice, two cases have been dealt with by the Departmental Orderly Room, and 149 cases have been filed after inquiry. The remaining cases are currently being inquired into by the Complaints Investigation Bureau.

As the House is aware, Mr Speaker, Sir, often some suspects have had the tendency to invoke Police brutality when giving their statements. Such cases are fully investigated.

In its 2008 report, the National Human Rights Commission (NHRC) has mentioned that the number of reported cases of alleged Police brutality in Mauritius tends to have stabilised over the years, and that previous perception of impunity is now being dissipated.

**Mrs Perraud:** Mr Speaker, Sir, I would like to ask the hon. Prime Minister whether any measures have been taken by Government to reduce Police brutality.

**The Prime Minister:** In fact, there is a whole series of measures which I had mentioned, Mr Speaker, Sir, about community policing where they have to look at human rights which are now part of the programme in respect for members of the public, even for the accused, and there is a series of measures that have been done in that. I would also like to add that the National Human Rights Commission may carry out independent inquiry in all cases which it deems necessary and send his finding to the Commissioner of Police and to the DPP; and it depends on the nature and gravity of the offences for further inquiry.

**Mr Bérenger:** Can I ask the hon. Prime Minister whether it is the same authorities, the same bodies that look into allegations of Prison officers brutality?

**The Prime Minister:** As far as I am aware. I think it is the same body, Mr Speaker, Sir, but I would have to recheck this.

**Mr Baloomoody:** Mr Speaker, Sir, it is clear from the figures given by the hon. Prime Minister, especially to the number of cases where there have been conviction, that the Complaint Office has a problem because we know that this Complaint Office is handled by Police and it is Police inquiring upon Police. We know also that the National Human Rights Commission is not functioning because there are so many vacancies which have not been filled. Can I ask the hon. Prime Minister whether he is prepared to see to it that we have an independent Unit to inquire about Police brutality because, according to my information, it is on the increase?

**The Prime Minister:** This does not match the figures that I have, but nevertheless, as I said, we are looking at the overall. This is why it is taking a bit longer than we expected because we are looking at it differently, but there will be independent investigations.

**Mr Speaker:** Time is over! I have to inform the House that PQ No. B/526 has been withdrawn. Questions to hon. Ministers! Hon. Mrs Labelle!

#### **SSR INTERNATIONAL AIRPORT - POLICE OFFICERS**

**(No. B/526) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Police Station at the Sir Seewoosagur Ramgoolam International Airport, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of Police Officers posted thereat, indicating -

- (a) the number thereof working at any one shift, and
- (b) if consideration will be given for an increase in the number thereof to address the security issues at the airport.

*(Withdrawn)*

#### **ELDERLY - HOMES - INSPECTIONS**

**(No. B/527) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the elderly, she will state when a survey of the homes in private and public therefor was last carried out by her Ministry, indicating

- (a) the number of homes registered with her Ministry, and
- (b) if officers of her Ministry carry out regular inspections on the premises thereof.

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, I wish to inform the House that a full survey on homes was carried out in 2009 by the members of the Residential Care Homes Board along with the officers of my Ministry. The survey was carried out throughout the island in all licensed Residential Care Homes to ensure that they are complying with the provisions of the Residential Care Homes Act 2003 and the Regulations of 2005.

With regard to part (a) of the question, presently there are 55 Residential Care Homes with the relevant licenses operating in Mauritius.

With regard to part (b), officers designated as Inspectors carry out visits regularly to ensure that Residential Care Homes are in compliance with the Act and the Regulations of 2005.

**Mrs Labelle:** May I ask the hon. Minister whether she will inform the House of the number of designated officers for these inspections.

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, all the members of the Board are involved in the inspection, but we also have the Elderly Welfare Unit which comprises of a whole set of inspectors. I don't have the exact number but I know that the Board, for example, is composed of nine persons and the Welfare Unit of the Ministry has around ten officers.

**Mr Bérenger:** We have been told, Mr Speaker, Sir, that there are 55 such institutions and that a survey was carried out in 2009. A few days ago, the hon. Minister said that there are ten homes functioning illegally - that are not registered. Can I know on what occasion was that discovered and since when have those homes been operating illegally?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, at the time of the survey, the Ministry was made aware of a number of homes which were operating illegally, that is, without permit. However, after the constitution of the Board in January 2011, I gave firm instructions for the inspectors to carry out inspection and to ensure that there is compliance according to the Regulations and the Act on Residential Care Homes and since then the Officers of the Ministry, along with members of the Residential Care Home Board have been visiting different places following complaints made to the Board.

**Mr Bérenger:** My question was simple: since when have those ten homes been functioning illegally? From what I have understood, it is from 2009, nothing has been done; these homes have been functioning illegally, and now we wake up.

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, the homes that had been identified at that time have been visited by inspectors and they were given instructions to comply with the law. They were given copies of the Regulations, they were given copies of the Residential Care Home Act and they have been given sufficient time to comply with the law. Since they have not done so, as from January 2011 strict instructions were given to do the follow up and to ensure that they do comply with the law.

**Mr Bérenger:** I am confirming, in fact, that since 2009 at least ten homes have been functioning illegally. I find that shocking!

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, I have just mentioned that a small number had been identified in 2009 and since then the number may have increased.



**Mr Bérenger:** A few days ago the hon. Minister said - and these are incredible figures - that in 2010, 855 cases of abuses of old people in homes had been received and, this year, until now, 315 cases. Can I know from the hon. Minister what action has been taken and how many Officers she has? Does she have sufficient Officers or is it again the case like the children when we found that in *crèches*, abuse was taking place and the Minister said: 'I don't have enough staff'? Does the hon. Minister have enough staff?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, since last year there has been action taken not in haphazard manner, but in a well prepared manner. In 2010, we had started talking about safety of elderly people within the family environment. In 2011, after the reconstitution of the Board, instructions were given to ensure that the follow-up is done and that inspections are carried out in all the different homes. We started with the charitable institutions which are subsidised by Government, then we moved on to the private institutions and now we are on the lookout for those who are running homes without licenses. As far as the number of Inspectors and number of Officers are concerned, we do have the number of Officers, but then it is always nice to have more Officers involved. We would only be too happy to accommodate more, but with the staff that I have at the Ministry we are doing the work and we are going to ensure that the safety of elderly people are taken care of.

As far as elderly abuse cases are concerned, we have the Elderly Watch Unit which is a network of elderly people across the island in all the different districts, which works in close collaboration with Officers of my Ministry. After a case is reported, the follow-up action is taken. We start with our inspectors visiting both the victim and the perpetrators and then through conciliation we try to make up, we try to make these people understand that they should not behave in such a manner and we do the follow-up and ensure that the elders are taken care of.

**Mr Bérenger:** My question is again simple. You have said that in 2010 there were 855 reported of abuses of old people and 315 so far this year. What has been the result, what action has been taken, have licenses...

**Mrs Dookun-Luchoomun:** I have just...

**Mr Bérenger:** Cool down, cool down! Have licenses been revoked, have cases ended up before the Police or before the courts?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, in the first stance, we always try to carry out mediation to get people to understand. However, there are cases which have ended up in court and there are cases where the people have been taken out of the family environment and

transferred to a home where they are taken care of in case we find that there can be no improvement in the situation.

I find it a bit strange, Mr Speaker, Sir. I have seen on the papers the hon. Leader of the Opposition, himself, stating that such cases occur throughout the world, that it even occurs in homes in England and he stated that we need...

*(Interruptions)*

May I continue, Mr Speaker, Sir? He stated that we need to be proactive and this is exactly what the Ministry is doing? We are being proactive. We are visiting the homes and are taking action.

**Mr Bérenger:** Can I know concretely how many cases have ended up with the Police and how many cases before the courts?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, I don't have this information right now but I can reassure the hon. Leader of the Opposition that everything is taken care of and that when we cannot...

**Mr Speaker:** No! The hon. Minister has to answer the question!

**Mrs Dookun-Luchoomun:** Going to court is only the last resort.

*(Interruptions)*

I don't have the number, Mr Speaker, Sir.

*(Interruptions)*

**Mr Speaker:** Hon. Jhugroo, you are not answering the question! Keep quiet there! Hon. Mrs Labelle!

**Mrs Labelle:** Mr Speaker, Sir, regarding the inspection, I think I heard the hon. Minister mentioning inspection by Board Members. According to the law, it is being said that her Ministry has to designate a number of public officers. These are the persons who have to do this particular job and these officers have even to take the oath of office in terms and so on. Will the hon. Minister explain why this job of inspection is now being carried out by Board Members whose functions do not include inspection of residential care homes?

**Mrs Dookun-Luchoomun:** I am sorry, Mr Speaker, Sir, it is part of the functioning of the Board. It is clearly stated in the law which I am going to read in a minute, but as far as the officers of my Ministry are concerned, we have an Assistant Commissioner, 2 Principal Social Security Officers, 5 Senior Social Security Officers and 10 Higher Social Security Officers who are attached to the Welfare Unit, Mr Speaker, Sir.

**Mrs Labelle:** Mr Speaker, Sir, may I take it from the hon. Minister that these 18 persons have taken the oath as per the law to do this particular job? This is one thing. They

have to take an oath as per the law. Have they done so to carry on these particular duties of inspection?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, officers of the Welfare Unit of my Ministry have as their main function to take care of the elderly and their safety. Now, as far as oath is concerned, as per the law, all public officers take an oath when they get into the Public Service.

**Mrs Labelle:** All right! With your permission, Mr Speaker, Sir, I leave this question because, I think, the House has understood the confusion of the hon. Minister.

Regarding the cases reported, as per the law the residential care homes have six months to put things in order. In the cases of those residential care homes which were not complying with the law, may we be informed whether this period of six months were given to them or they were given an indefinite period of time to comply with the laws?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, I have just mentioned in the House that visits were carried out in 2009. They were given sufficient time to review the conditions that are being presented and they have been receiving visits. We have given them time to comply and we did, at one point in time, try to see whether we could make concessions in the provisions of the law, but they refused. That is why the Ministry has now taken the decision not to leave any chance for them to operate and we are going to go according to the law, Mr Speaker, Sir.

**Mr Bérenger:** Again, a few days ago, the hon. Minister said that one person in charge of such a home refused even - so she said - to give the number and the names of the old people in that home. Can I know whether we are talking about a home operating illegally and what action has been taken concerning that specific case?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, I was, in fact, referring to those operating without permit and Police action has been taken against these people.

**Mr Speaker:** Last question, hon. Mrs Labelle!

**Mrs Labelle:** Mr Speaker, Sir, the hon. Minister mentioned that they refused to comply with instructions. May I ask the hon. Minister whether there is any particular reason why her Ministry has not applied the provisions of the law, that is, section 16: cancellation of licence or even section 17: cancellation in cases of urgency where most immediate action can be taken? Is there any particular reason?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, I have just mentioned that these homes were not even licensed, so, as per section 8 of the law, they were already contravening.

**SCHOOLS - FOOD & BEVERAGES - SALE**

(No. B/528) **Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Health and Quality of Life whether, in regard to the food and beverages sold by hawkers in the vicinity of the schools, she will state if inspections are carried out to check the quality thereof.

**Mrs Hanoomanjee:** Mr Speaker, Sir, I am informed by the Health Inspectorate of my Ministry that there are no hawkers in the vicinity of most schools. However, hawkers are visited regularly by the Health Inspectors in the course of their activities to control their foodstuffs.

Following consultations with the Ministry of Education and Human Resources, the proposal to prohibit hawkers from working within a radius of 100 metres from an educational institution was retained. My Ministry is therefore working in close collaboration with that Ministry to prepare such regulations.

**Mrs Ribot:** Mr Speaker, Sir, I am very surprised to hear the hon. Minister saying that there is no hawker around the schools. I invite the hon. Minister to come around any school in Mauritius. The hawkers are not only around the schools, they are almost in the schoolyard selling to the students food and beverages that have been interdicted in school canteens. I would like to ask the hon. Minister to visit those schools first of all.

**Mrs Hanoomanjee:** Mr Speaker, Sir, I don't have any reason to doubt what the Health Inspectorate of my Ministry is saying.

*(Interruptions)*

Furthermore, Mr Speaker, Sir, let me say that it's not only the responsibility of the Health Inspectorate of my Ministry. The Head Teachers act very promptly when they see that there are hawkers around the vicinity of schools. I have got even one; I can mention one case where the Head Teacher has even written to the Police when he has noticed that, in spite of the fact that he is asking the hawkers not to come in the vicinity of schools, they are persistently coming. Therefore, the Head Teachers also are giving a helping hand to see to it that hawkers do not come in the vicinity of schools.

**Mrs Ribot:** Mr Speaker, Sir, I allow myself, contrary to the Minister, to doubt the report of the Health Inspectors. I invite the hon. Minister to come to the schools where yogurts, fried food and cakes are held in the sun and are there till the afternoon to be sold to students.

**Mrs Hanoomanjee:** Mr Speaker, Sir, if the hon. Member has got evidence of what she is saying, could she please tell me exactly where and when?

**Mrs Ribot:** Mr Speaker, Sir, I'll just answer in most schools. I would like to ask the hon. Minister whether she is ready to review - with the collaboration of the Ministry of Education and Human Resources - the list of food and beverages that are being sold in school canteens because it's not surprising that students go to buy from hawkers instead of buying...

**Mr Speaker:** No, sorry, I will have to intervene. This question relates to food and beverages sold by hawkers and not food sold in the canteen. If the hon. Member has a question on the canteen, she has to come with a specific question.

*(Interruptions)*

**Mr Obeegadoo:** May I request some clarifications from the hon. Minister, on the one hand...

**Mr Speaker:** No, I am sorry! During Question Time, the hon. Member must put questions. No clarifications!

*(Interruptions)*

**Mr Obeegadoo:** It is a question for clarification purposes, Sir. On the one hand, the hon. Minister says that she is discussing with the Ministry of Education and Human Resources the introduction of new regulations to ban hawkers from operating in the immediate vicinity of schools. On the other hand, she says that Head Teachers should, as of now, intervene and report to the Police hawkers who are in the vicinity of schools. Which is which?

**Mrs Hanoomanjee:** It is clear, Mr Speaker, Sir, when I am saying that we are all the time discussing with the Ministry of Education to see whether we can find solutions to certain problems. I have mentioned a specific case where there were hawkers coming in the vicinity of schools, but the Head Teacher has acted promptly.

*(Interruptions)*

**Mr Obeegadoo:** I insist: would the Police intervene if the regulations are not there?

**Mr Speaker:** Yes, that is the right question.

**Mrs Hanoomanjee:** Mr Speaker, Sir, I have just said that we are in discussion with the Ministry of Education.

*(Interruptions)*

The Ministry of Education has a Central School Health Committee and officers of the Ministry of Health and Quality of Life also form part of that Committee; therefore, we are perpetually discussing.

**Mr Speaker:** Last question!

**Mrs Ribot:** Mr Speaker, Sir, I would like to know from the hon. Minister how many Health Officers are available to go round all the schools of Mauritius?

**Mrs Hanoomanjee:** Mr Speaker, Sir, we have got around 25 Health Inspectors going round and they have got other things to do besides...

**Mr Speaker:** No, the question is clear: how many Health Inspectors are there to do this particular job?

**Mrs Hanoomanjee:** We have got 25 in all.

*At 1.00 p.m. the sitting was suspended.*

*On resuming at 2.31 p.m. with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** The Table has been advised that Parliamentary Questions Nos. B/529, B/531 and B/543 have been withdrawn. Hon. Seetaram!

#### **MAURICE ILE DURABLE INITIATIVE - ECO-FRIENDLY BUILDINGS**

**(No. B/529) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction sector, he will state if consideration will be given for the introduction of the concept of eco-friendly building to maximize energy efficiency and promote the use of renewable energy, in the context of the Maurice Ile Durable initiative.

*(Withdrawn)*

#### **CHILD LABOUR**

**(No. B/530) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to child labour, she will state the additional measures Government proposes to take for the prevention thereof, indicating if consideration will be given for the imposition of tougher punishment with a view to combat same.

**The Minister of Labour, Industrial relations and Employment (Mr S. Mohamed):** Mr Deputy Speaker, Sir, with your permission, I am going to reply to PQ No. B/530.

Section 12 of the Employment Rights Act 2008 provides that no person shall employ a child for employment or work in any occupation. A child is defined as being a person under the age of 16. The Act also provides that any person who employs such a child shall, on

conviction, be liable to a fine not exceeding Rs10,000 and to imprisonment for a term not exceeding a year.

The House may wish to note that before December 2006 the minimum age for employment was 15 years. In December 2006, the minimum age for employment was raised to 16 years to be in line with the Education Act which was amended to extend compulsory schooling up to 16 years.

Regular inspections, Mr Deputy Speaker, Sir, are carried out by officers of the Labour Division of my Ministry at workplaces which, in fact, are meant also to detect child employment. In addition, whenever my Ministry receives information on cases of child employment, prompt action is taken. In all detected cases, child employment is stopped forthwith and criminal action is taken against offenders.

I would like to inform the House that officers of my Ministry also work in collaboration with the *Brigade des Mineurs* which is an emanation of the Police authority. Whenever the *Brigade des Mineurs* detects any case of child employment, it immediately informs my Ministry and prompt action is taken.

Since 2006, Mr Deputy Speaker, Sir, 16 employers have been prosecuted for child employment before the Industrial Court and 14 of them have been found guilty and fined.

Mr Deputy Speaker, Sir, as there are indeed sufficient measures to combat child labour, there is, in fact, no need, at this stage, to take additional measures. As regards tougher punishment to be imposed on offenders, I am, in actual fact, giving due consideration to the matter in the context of the amendments which are soon to be brought to the labour legislation.

**Mr Seetaram:** I thank the hon. Minister for his answer. Can I ask the Minister whether he would give due consideration for more public awareness through campaigning so that the public in general can be aware of it; can report such cases and bring those employers to task before justice?

**Mr Mohamed:** I totally understand the hon. Member, Mr Deputy Speaker, Sir. Obviously, there is need to give publicity to such measures. This will, at least, *conscientiser* the population of the country. In fact, I must say that the Ministry, at the time of making those amendments in 2006, had done a lot of work in order to let the public at large know what the law was and what would be the consequences of any violation thereof. I must also say that since today this question has been put - which I welcome - once again, since it has been answered in this august Assembly, the population at large is being in such a way made aware

of what the measures and the laws are. We will also continue in the same spirit to try to make more people know what the situation is and *continuer d'être vigilants*.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, is the hon. Minister aware that around a quarter of the 12 to 15 age group is unschooled as per official statistics of the Ministry of Education and, therefore, prime targets for child labour and if so, will he liaise with his colleague from the Ministry of Education to see to it that compulsory education as per law is properly enforced in this country?

**Mr Mohamed:** I thank the hon. Member for the question once again. I am of the view that, yes, it is important that there be communication between Ministries. My hon. friend, the Minister of Education and I have many times liaised on this particular issue. However, I also believe, Mr Deputy Speaker, Sir, that it will be totally improper and unfair to give the impression that there is a situation at the moment whereby those people, who are potentially prime targets, are, in fact, already victims of such targeting. The fact is - as it stands today in our country - I have given the facts and figures which speak for themselves. We identify, with the help of reports made to the Ministry, who are those who are violating the law when it comes to child labour. We are not a country that really suffers, compared to other countries in the world where we have gross violations of international conventions. We are proud to say that we have adhered to two important conventions with regard to child labour and our laws are in line with the conventions. Not only are our laws in line with the conventions, but, in practice, we are doing everything as a responsible State should do to keep in line with the law.

#### **SADC & COMESA FREE TRADE AREAS - EXPORTS**

**(No. B/531) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the SADC and COMESA Free Trade Areas, he will state -

- (a) over the past five years, on a yearly basis, the total amount of goods -
  - (i) exported to the member countries, indicating the nature thereof and
  - (ii) imported from South Africa and exported to South Africa and
- (b) if his Ministry has carried out a survey to identify the goods for which Mauritius has an advantage on its competitors in these countries.

*(Withdrawn)*

#### **VICTORIA HOSPITAL - MISS A. T. - DEATH**



(No. B/532) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Health and Quality of Life whether, in regard to one Miss T. A., who died at the Victoria Hospital, on Monday 30 May 2011, she will state the -

- (a) date and time at which she was admitted thereat;
- (b) treatment administered, and
- (c) cause of death.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the late Miss T. A. attended the Accident and Emergency Unit of Victoria Hospital on Sunday 29 May at 6.30 a.m. She was complaining of mild gastric pain since one day and was fully conscious. After examination and after taking into consideration what she had consumed the previous night, a diagnosis of gastritis was made and she was treated accordingly. After half an hour, the patient was reassessed and found to be relieved. She was allowed to go home on medication and advised to come back to hospital in case she did not feel well at anytime.

On the same day, at around 11.35 a.m., the patient was brought to the Victoria Hospital in a semi conscious state. Immediate resuscitation measures were started. The patient was intubated, and blood and urine samples were taken for analysis. The patient was transferred to ICU for further management. Patient was attended by both surgeon and physician. Her blood results revealed a very high level of glucose and this along, with the results of urine tests, showed that her semi conscious state was due to a complication of uncontrolled diabetes known as Diabetic ketoacidosis. It is to be noted that she was not a known case of diabetes.

The relatives were informed about the poor condition of the patient.

In spite of all necessary treatment given, the condition of the patient did not improve and the patient unfortunately passed away on Monday 30 May 2011 at around 8.30 a.m. According to post-mortem report, the probable cause of death is septicaemia. Full report of post-mortem examination is awaited.

**Mrs Labelle:** I think I have heard the hon. Minister stating that the patient came back at hospital at 11.00 a.m. May I wish to confirm because, according to my information, as soon as the patient arrives home after the first visit, she fell into this unconscious state and was brought to the hospital which was around nine. So may I confirm the time of coming back to the hospital?

**Mrs Hanoomanjee:** According to our records, Mr Deputy Speaker, Sir, she came back to hospital at around 11.35 a.m.

**Mrs Labelle:** Is the hon. Minister aware of the treatment administered to this young girl of 14 the first time she came to the hospital?

**Mrs Hanoomanjee:** As I have said in my reply, there was a diagnosis of gastritis so she was administered medication for gastritis. She was kept under observation for half an hour. When she felt she was relieved and the doctor felt that she could go back home, they asked her to go back home with medication and come back if ever she didn't feel well.

**Dr. Sorefan:** The hon. Minister has given an answer to that question, but, in the medical field, you know, when a patient attends to the hospital, has there been a full medical history on the first day to come to that diagnosis. We know that the patient is suffering from type I diabetes. The patient knows and the doctor should have known on the same day that this patient suffers from type I diabetes and does not go on gastritis.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, maybe, the hon. member did not listen to my reply. That was not a known case of diabetes. The patient, herself, didn't know that she was a diabetic.

**The Deputy Speaker:** Last question hon. Labelle.

**Mrs Labelle:** Mr Deputy Speaker, Sir, the hon. Minister mentioned that this young patient was kept under observation and when she felt she was relieved she was allowed to go home. Has the Minister been made aware of the way the observation was made because, according to my information, the patient was asked: 'are you feeling well otherwise you will have to stay at hospital' and, according to information, very often this is the question put particularly to young patients. Of course, Mr Deputy Speaker, Sir, to such a question, the patient will answer: 'I am feeling better'. This is regularly the case. I have more examples to give to the hon. Minister if she wants to.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, this is the way that it should be done. Usually what happens is that a patient comes and in that case somebody comes and says that she has got pain in her stomach. She was examined for that and she was found to be suffering from gastric pain. She was given medication. She was kept under observation and obviously the doctor would ask her whether she was having any more pain or not. If she was having pain, this would have meant that the medication didn't work and that she would have had to stay, maybe, in hospital. In that case she said that she was feeling much better and that the pain had gone. That's why she was sent back home, but she was told that if she didn't feel well she could come again.

#### **PORT LOUIS MUNICIPAL COUNCIL - SPORTS EQUIPMENT**

**(No. B/533) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to

the equipment recently received from Foshan, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, a list thereof, indicating in each case, the -

- (a) amount of money paid for customs clearance;
- (b) name of the marine broker, and
- (c) date on which same will be distributed, indicating the method that will be used therefor.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed that the Municipal Council of Port Louis has received donation of several sports equipment from the Municipal Council of Foshan in May this year in the context of twinning relations between these Councils. A list of the sports equipment received is being placed in the Library.

With regard to part (a) of the question, I am informed that an amount of Rs209,432 was paid as customs duties and taxes; an amount of Rs46,236.89 was incurred as freight charges and an amount of Rs22,920.20 was paid as storage fee of container.

As regards part (b) of the question, the marine broker who cleared the equipment from customs was FIMAA Freight Forwarders Ltd. against payment of Rs3,795.

As far as part (c) of the question is concerned, I am informed that the Municipal Council of Foshan has expressed its wish to be present for the distribution of these sports equipment to the clubs of the city and has indicated a tentative date in June/July of this year. However, the dates have not been yet confirmed.

**Mr Ameer Meea:** Can I ask the hon. Minister who is the owner of the company who did the custom clearance? Is it a councillor of the Municipality of Port Louis?

**Mr Aimée:** I don't have this information. I know the name of the foreigner, but I don't know whether it belongs to somebody else.

**Mr Ameer Meea:** Can I ask the hon. Minister where the equipment is being stored because he stated that an amount of Rs22,000 has been paid for storage?

**Mr Aimée:** The amount was paid for storage from the very beginning before custom clearance. Actually it is in the custody of the Municipality of Port Louis.

*(Interruptions)*

In one of the stores I don't know where.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Minister what is the criteria that is going to be used to distribute those sports equipment. Has a list already been drafted by the Municipal Council?

**Mr Aimée:** I don't have this information. They have not yet prepared the list I think, Mr Deputy Speaker, Sir. They are waiting for the delegation from China to be present for the distribution.

**The Deputy Speaker:** Next question!

**Mr Ameer Meea:** Can I ask the hon. Minister whether the Municipality of Port Louis is waiting for the election to distribute the equipment...

**The Deputy Speaker:** No please. The Minister answered that they are waiting for a delegation from China. Next question, hon. Quirin!

### 8<sup>TH</sup> INDIAN OCEAN GAMES - SEYCHELLES - ACCREDITATIONS

**(No. B/534) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the forthcoming 8<sup>th</sup> Indian Ocean Games to be held in Seychelles, he will give details of the allocation of accreditations to each sport discipline participating therein.

**Mr Rittoo:** Mr Deputy Speaker, Sir, I am very pleased to announce that Mauritius has reacted promptly by forwarding the participation list of athletes and officials and the request for accreditation to the *Comité d'Organisation des Jeux des Iles* (COJI) much before the deadline of 15 June 2011 as stipulated in the general rules.

We have as at deadline date of 15 June submitted a list of 455 names of athletes and officials for accreditation which includes pre-selected athletes as well. However, according to the *Règlements Généraux* of COJI, the latter will approve a maximum of 337 athletes and officials duly accredited to participate in the games. The approval of the exact figure is expected towards the end of July 2011.

I am tabling a list of expected allocations of accreditation from COJI.

**Mr Quirin:** Est-ce que le ministre pourrait nous dire sur quel critère son ministère va se baser pour la répartition finale des accréditations à chaque fédération?

**Mr Rittoo:** Accreditation cards are given in different categories and it is the federations which submit the names of the athletes, the coaches, the national technical directors, *les dirigeants*, the delegates who will accompany the president of the federations. They submit together with the National Olympic Committee of Mauritius and these names are being sent to the COGI which analyses and gives us the details. For example, if we request accreditation for 46 athletes, the final list will be 30. We therefore ask for the pre-selected athletes as well because once the deadline is passed, we cannot get accreditation and the athletes might not

participate. That is why we always ask for more. The final list will be decided by the *Comité d'Organisation des Jeux des Iles* and will be submitted to us.

**Mr Quirin:** J'aimerais aussi que le ministre nous dise quels sont les officiers qui ont été accrédités au nom de son ministère; si c'est déjà fait.

**Mr Ritoo:** L'accréditation n'est pas encore déterminée. C'est à la fin de juillet qu'on aura l'accréditation. Nous avons tout simplement nommé les chefs de délégation, chefs de mission, responsables garçons, responsables filles, quatre ou cinq personnes et le ministre, bien sûr mais, ensuite, c'est le COJI qui va décider pour ce qui est de l'accréditation, parce qu'il y a différentes catégories, telles que les entraîneurs, les athlètes.

### **MED POINT LTD. - SIC & SICOM LTD. - INVESTMENTS**

**(No. B/535) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to Med Point Ltd., he will, for the benefit of the House, obtain from the State Investment Corporation and the SICOM Ltd., information as to the amount of money invested therein, indicating, in each case, the -

- (a) date thereof;
- (b) estimated rate of return;
- (c) amount of dividend received in respect of each year of payment,
- (d) latest valuation of the investments, as per the audited accounts of the respective shareholders, and
- (e) amount of money received from the proceeds of the sale thereof, if any.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr P. Jugnauth):** Mr Deputy Speaker, Sir, as regards part (a) of the question, Rs5 m., representing 50,000 shares of Rs100 each, were invested by the State Investment Corporation in Med Point Ltd, whereas SICOM Ltd. had invested 20,000 shares, costing Rs2 m. The investments were made in 1993.

SIC and SICOM will be eligible to a return on investment according to their respective shareholding.

With respect to part (c), no dividend has been received.

As regards part (d), I am informed that, as per the last audited accounts filed at the Registrar of Companies for financial year 2008 ending June, the value per share was Rs280.

Hence, the 50,000 shares held by the SIC were valued at Rs14m., and the 20,000 shares held by SICOM valued at Rs5.6 m. in the books of these companies as at 30 June 2010.

As regards part (e), I am informed that proceeds of the sale will be distributed once approval from the Board and of shareholders is obtained. I am also informed that the shareholders meeting will be held once the audited accounts for year ended 2009 and 2010 would be finalised.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, will the hon. Minister inform us what percentage of the share capital of Med Point Ltd. constitutes these shares subscribed by SIC and SICOM. Does not this percentage entitle them to be substantial shareholders and, therefore, to a representation on the Board of Directors of Med Point? If not, why not and, if so, what did these shareholders' representatives on the Board of Med Point Ltd. do to ensure that the company does not go into financial difficulties?

**Mr Jugnauth:** As far as I can recall, I think I have been informed that they had representations on the Board of Med Point Ltd.

**The Deputy Speaker:** They have representation on the Board.

**Mr Li Kwong Wing:** SIC and SICOM did have representatives on the Board. In accordance with their audited accounts, would the hon. Minister be able to confirm to us that the valuation of their shares in Med Point Ltd. represents actually the net book value of assets of Med Point Ltd.?

**Mr Jugnauth:** I have given the information as per the audited accounts of the respective companies. This is part of the question. The hon. Member asked me about SIC and SICOM, and this is the information I have given to him.

**Mr Li Kwong Wing:** The question is whether it represents the net book value or whether it is the market value. The question also arises. Given the fact that the disposal of the assets of Med Point Ltd. constitutes a substantial transaction, were the shareholders: SIC and SICOM informed, and did they sign a shareholders' resolution to dispose of these assets?

**Mr Jugnauth:** First of all, let me say that the shareholding of SICOM in terms of percentage was 5.42% and, for State Investment Corporation, it was 13.56%. With regard to the shareholders of their respective companies, I need to check and find out whether they were made aware of this.

**Mr Ameer Meea:** Can I ask the hon. Minister of Finance how much were the shares of SIC and SICOM valued as at 30 June 2010?

**Mr Jugnauth:** They were valued as per the accounting method.

*(Interruptions)*

I just said that, as at financial year ending June 2008, the value per share was Rs280.

**The Deputy Speaker:** Last question!

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, since no dividend has been received throughout the existence of Med Point Ltd., and the shareholders: SIC and SICOM were on the Board of Med Point Ltd. - according to the Minister - was there any concern or any queries that have been raised by these shareholders on the financial state of the Med Point Clinic, especially when the Chief Executive was out of the country for several years and the company was on the brink of bankruptcy asking for a special humanitarian moratorium or favour from the DBM to write off interests?

**Mr Jugnauth:** I'll have to find out whether they had expressed any views with regard to that.

**The Deputy Speaker:** Next question!

*(Interruptions)*

No, no, I have called the next question. I said that it is the last question. This issue has been thrashed out quite extensively.

#### **SIC - CHAIRPERSON & CHIEF EXECUTIVE**

**(No. 536) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Chairperson and the Chief Executive of the State Investment Corporation, he will, for the benefit of the House, obtain from the Corporation, in each case, information as to the Boards on which they are members, indicating in respect of each Board, over the past year, the -

- (a) total amount of fees paid and benefits drawn, and
- (b) number of meetings attended.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr P. Jugnauth):** Mr Deputy Speaker, Sir, the requested information is being compiled, and will be tabled.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, where the SIC has wholly owned subsidiaries whose operations it has to monitor as the majority or the sole shareholder, does not the hon. Minister consider that the remuneration that is paid to the Chief Executive and Chairman of the SIC for a work that should be done by SIC constitute a payment which is for normal duty and, therefore, should be stopped as a perk for personal service?

**Mr Jugnauth:** As I have said, I must be given all the information, so that I can find out how many of these companies are fully or partly owned by SIC, and whether any director's fees have been paid.

**Mr Bérenger:** Mr Deputy Speaker, Sir, the Minister is replying in a way, saying that information has to be sought, and that it would be compiled and so on. Have these two persons, namely the Chairperson and Chief Executive, been asked to give a list of the Boards; to give that information which, I am sure, is readily available as far as these two persons are concerned?

**Mr Jugnauth:** I have said that this information is being compiled, Mr Deputy Speaker, Sir. I have been given part of the information. I need to crosscheck and see whether we have all the information before I lay it on the Table of the Assembly because, at the end of the day, I will have to answer for that.

**Mr Bérenger:** Have these two persons been asked to submit a return on all the Boards where they sit?

**Mr Jugnauth:** This is the information that I have and, in due course, it will be laid on the Table of the Assembly.

**Mr Li Kwong Wing:** The Minister asked for a specific example. In the case of Casino Companies, for example, SIC owns wholly...

**The Deputy Speaker:** No, the Vice-Prime Minister stated that he has to check. He has not asked for an example.

**Mr Li Kwong Wing:** I am giving the Minister a specific example which is the Casino Companies wholly owned by SIC, where the Chief Executive or the Chairman sits on the Board of the Casino Companies and abusively sits also on many subcommittees drawing fees. Can the hon. Minister confirm whether this practice will now be stopped because these casinos are - what the Prime Minister calls - lame ducks; they are not making any profit and are without financial resources. Why should they draw so much as fees?

**Mr Jugnauth:** Mr Deputy Speaker, Sir, I have not asked for a particular example or a specific example. What I have said is: I need to get the list of all the companies on which the Chairperson and the CEO are sitting so that I can then find out whether they are wholly or partly owned by SIC, and see whether there have been any director's fees that have been drawn.

## **MUNICIPAL COUNCILS - IMMOVABLE PROPERTIES**

**(No. B/537) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Local Government and Outer Islands whether, in regard to the Municipal Council rates, he will, for the benefit of the House, obtain from the Councils, information as to the -



- (a) number of immovable properties to which a net annual value has not been ascribed, indicating the -
  - (i) reasons therefor, and
  - (ii) estimated loss as a consequence thereof -
- (b) number of properties that have been recently assessed on a yearly basis, indicating the remedial measures envisaged to cater for unassessed properties, and
- (c) percentage represented by Municipal rates as to the overall revenue of each Municipal Council.

**Mr Aimée:** Mr Deputy Speaker, Sir, the information requested by the hon. Member is very lengthy and these are being compiled by the respective Municipal Councils. The information will be placed in the Library as soon as possible.

#### **LAND CONVERSION PERMITS - JUNE 2010-JUNE 2011**

**(No. B/538) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Agro-Industry and Food Security whether, in regard to Land Conversion Permits, he will state, since June 2010 to date, the number -

- (a) thereof issued, indicating the name of the beneficiaries and extent thereof, and
- (b) of applications therefor
  - (i) that are pending, indicating in each case, the reasons therefor and extent thereof, and
  - (ii) rejected, if any, even when satisfying the conditions laid down therefor under the Sugar Industry Efficiency Act, due to any new land management policy decision.

**Mr Faugoo:** Mr Deputy Speaker, Sir, the information is being compiled and same will be laid in the Library.

#### **SIT - BUILDINGS - RENT**

**(No. B/539) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Agro-Industry and Food Security whether, in regard to the Sugar Investment Trust, he will, for the benefit of the House, obtain from the Trust, information as to the number of buildings rented, indicating in each case

- (a) the location;
- (b) the extent;
- (c) the purpose therefor;

- (d) the monthly rental, and
- (e) if tender procedures were followed and, if not, why not.

**Mr Faugoo:** Mr Deputy Speaker, Sir, I am informed by the Sugar Investment Trust that a gross area of approximately 4,000 sq ft is rented on part of the third floor at Alexander House in the Cyber City at Ebène to accommodate its office. The monthly rental being paid Rs137,155 exclusive of VAT. I am further informed that no tender procedures were followed. However, I am advised by the SIT that its Board approved the shifting of its office to Alexander House, Ebène on 08 June 2006, at the rate of Rs27 per sq ft.

I am further informed that SIT will be moving in September of this year to another building called the NG Tower which they acquired in May of last year.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, can I ask the hon. Minister what amount was paid for the building that was acquired?

**Mr Faugoo:** I don't have the figure.

**The Deputy Speaker:** This does not arise from the question. The hon. Member may come with a specific question on that issue. Next question!

#### **STC - RICE 'RATION' - TENDERS**

**(No. B/540) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Business, Enterprise, Commerce and Consumer Protection whether, in regard to ration rice, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the number of tenders issued for the supply thereof, since January 2011 to-date, indicating in each case, the

- (a) name of the successful bidder
- (b) contract value, and
- (c) procurement method used.

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, I am informed by the STC that no Request for Tender (RFT) has been issued by STC for the import of rice since January 2011 to this date. The last Request for Tender was launched in December 2009 for supply in the whole year of 2010. However, three Requests for Quotations (RFQ) were launched by STC during that period.

In the light of bad experience with its last tender of 2009, STC considered that locking-in a price for a whole year when the market is volatile and prices are high is tantamount to engaging in a disastrous hedging exercise.

*(Interruptions)*

Indeed, STC found itself stuck with a high price (USD 607 per ton) when market price dropped by almost 50%, barely two months after award of tender.

STC rather opted for Request for Quotations which allows the market to be tested more extensively. When prices are found high, lower volumes are procured to meet only short-term requirements. Should prices be found low, higher volumes may be envisaged and stocks built-up to meet longer-term needs.

It has also been noted that responses to Requests for Quotations are several times higher and competitive forces play more strongly in favour of the buyer than in Request for Tenders.

A Request for Quotation allows the market to be tested frequently. Unlike a Request for Tender, it implies there is no firm intention to buy should price and other pertinent conditions such as quality, packaging and delivery terms fall below buyer's expectations. It does not impose on potential suppliers the need to go through onerous formalities such as tender bonds, etc when there is no certainty that business would follow.

The same two or three bidders participate year in year out in Request for Tenders. On the other hand, Requests for Quotation attract more suppliers.

In terms of process, both Requests for Tenders and Requests for Quotations...

*(Interruptions)*

**The Deputy Speaker:** I will request the hon. Minister to answer to the question that has been put and not to go astray. There is no need to give undue details.

**Mr Yeung Sik Yuen:** Alright! I will finish.

Requests for Quotations are sent to potential suppliers on STC's records who have previously expressed interest to supply as well on STC's website which is an open bidding process.

When the timing is good and prices trends are favourable, STC can have a fast-track Request for Quotation whereby bidders can upload their bids on a highly secured folder on the server. Bids are received in PDF format and maybe opened after three staff input their secret passwords simultaneously in presence of the Procurement Committee members. This is in line with best practice for high security transactions.

**Mr Uteem:** Mr Deputy Speaker, Sir, I heard the hon. Minister mentioning that three Requests for Quotations have been issued since January 2011. May I know from the hon. Minister whether, following Requests for Quotation, any contract has been awarded and, if so, for how much and to whom?

**Mr Yeung Sik Yuen:** Well, there were three Requests for Quotations and the contract was awarded to Matco Rice Processing (Pvt) Ltd of Pakistan.

(Interruptions)

Just on the second quotation.

**Mr Uteem:** What about the first and the third quotations?

**Mr Yeung Sik Yuen:** There was no successful bidder on the first and the third.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Minister, if the idea of having requests for quotation is to attract more investors, why is it that the duration for submission of the quotation, the first time was only six days, the second time two days and the third time four days? That information is from the official website of the STC.

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, I will, first of all, hand the tender documents to the House. Secondly, concerning the days, it depends on the level of stocks and also on the prices.

(Interruptions)

**Mr Bérenger:** Mr Deputy Speaker, Sir, so the situation is no longer around tenders, now there are Requests for Quotations with two days or four days given. We know what that means, Mr Deputy Speaker, Sir. The last Request for Quotation was in April. Am I right in saying that, as he said, Matco Rice Processing (Pvt) Ltd of Pakistan was the lowest at 475 dollars, but, because of trouble in Pakistan they could not deliver? Am I right in saying that, whereas Matco Rice Processing (Pvt) Ltd had won the Request for Quotation at 475 dollars; at present, we are buying from - excuse the name, it is not my doing - Chaiyya pawn of Thailand at 510 dollars? That is much more expensive than Matco Rice Processing (Pvt) Ltd, not through competitive bidding, but after negotiations to ask them *baisse prix la enn ti peu*, bring it down a bit. They brought it down a bit but stop at 510 dollars whereas Matco Rice Processing (Pvt) Ltd, the cheapest, had quoted at 475 dollars.

**Mr Yeung Sik Yuen:** Well, I think the information of the hon. Leader of the Opposition is correct.

**Mr Bérenger:** Mr Deputy Speaker, Sir, can I know what percentage broken is that rice that we are buying from Chaiyya pawn of Thailand?

**Mr Yeung Sik Yuen:** Normally, it is maximum 25%.

**Mr Bérenger:** The hon. Minister is saying that we are purchasing 25% broken rice from Chaiyya pawn at a price much higher than what was quoted by the other firm, Matco Rice Processing (Pvt) Ltd. Can I know whether there is now a further ongoing Request for Quotation?

**Mr Yeung Sik Yuen:** Yes, there is another one, it is on process.

**Mr Bérenger:** Do I take it that whatever rice we are buying after negotiation from Thailand, there will be no change in ration rice price on the local market?

**Mr Yeung Sik Yuen:** In fact, it will depend on the price received from the quotation.

**The Deputy Speaker:** No, is there any change on the market price?

**Mr Yeung Sik Yuen:** There will be no change, Mr Deputy Speaker, Sir.

**Mr Bérenger:** The Minister, himself, made reference to the very bad experience of 2009-2010 where we imported from Garibsons (Pvt) Ltd of Pakistan. It was of terrible quality. There were very suspicious people from the STC having gone there and come here to negotiate, the Director having been brought here to negotiate and so on. Why was not this issue placed under the scrutiny of the Bhadain inquiry? Will it be done now?

**Mr Yeung Sik Yuen:** I have told the STC that once the quality is not good, they have to blacklist these suppliers. As long as the quality is not good, we will not work with these suppliers.

**Mr Bérenger:** That is not my question. My question is: clearly colourable devices were resorted to in the case of that company. Why was not the Bhadain Forensic scrutiny asked to look into that and will they be asked to look into that including referring the thing to Police?

**Mr Yeung Sik Yuen:** I will look into the matter with the STC.

#### **BULGARIA - MAURITIUS WEIGHTLIFTERS TEAM - TRAINING CAMP**

**(No. B/541) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the National Weightlifters Team, he will state the project of the Mauritius Weightlifters and Power-lifters Association for the training camp in Bulgaria and recommendations made by the technicians of his Ministry in relation thereto, indicating the -

- (a) budget allocated therefor and the amount spent, and
- (b) reasons why the team has returned before the scheduled date.

**Mr Ritoo:** Mr Deputy Speaker, Sir, there is no project write up as such but correspondences have been exchanged between the Federation, the National Technical Director and my Ministry regarding the training of our weightlifters in Bulgaria.

Thereafter, several meetings were held between the technicians of my Ministry and the Federation to finalise the modalities of the training camp.

It was agreed that -

- (i) the demand of the National Technical Director for a 3-month training be shortened to 70 days due to budgetary constraint;

- (ii) a test be carried out in April to select athletes who would attend the training camp, and
- (iii) the budget be limited to around Rs2.5 m.

Regarding part (a) of the question, an amount of Rs2.7 m. was allocated for the camp. As regards the exact amount spent, the figures are still being worked out as all receipts of expenditure have not yet been received.

As regards part (b), the reasons why the delegation returned back earlier than the scheduled time are as follows -

- (i) one athlete, namely Gino Sooprayen, returned on 23 May 2011 on grounds of injury and at the request of the National Technical Director, and
- (ii) another athlete, namely Cedric Coret, had to be admitted to the hospital due to a severe viral infection of lungs.

Both athletes have now completely recovered. It was also reported that -

- (i) the food was not to the level expected;
- (ii) the training centre was not of the standard described by the National Technical Director;
- (iii) there was no interaction with Bulgarian champions as promised by the National Technical Director, and
- (iv) the athletes had problems to adapt to the Bulgarian way of life and their "Morale" was not to the optimum.

Following the aforesaid and upon a recommendation from the President of the Federation who proceeded to Bulgaria, a decision was taken for the athletes to return to Mauritius. They came back on 03 June 2011 and training in Mauritius resumed immediately thereafter.

**Mr Quirin:** M. le président, est-ce que le ministre peut nous dire qui a pris la décision de faire retourner précipitamment, selon sa réponse, l'équipe d'haltérophilie?

**Mr Ritoo:** Le président de la Fédération Mauricienne d'Haltérophilie a fait une demande pour aller enquêter, et ensuite il a pris la décision de retourner les athlètes.

**Mr Quirin:** M. le président, est-ce que le ministre est au courant que l'ex-DTN a obligé les haltérophiles à se faire injecter une substance inconnue - c'est la question..

**The Deputy Speaker:** This is a very serious matter that the hon. Member is raising.

**Mr Quirin:** ...qui pourrait être des stéroïdes et cela contre leur gré, M. le ministre. Etes-vous aussi au courant...

**The Deputy Speaker:** The hon. Member takes the responsibility for what he is stating in this House.

**Mr Quirin:** ...que la femme du DTN est même entrée dans la chambre d'une haltérophile l'obligeant à se faire injecter cette même substance? Etes-vous au courant?

**Mr Ritoo:** I think that the hon. Member is making a very serious allegation. As far as the National Technical Director is concerned, with whom we had discussions, there was no such injection and neither has it ever been proved up to now whether any athlete has had any such injection. I believe in the words of the President of the Federation and also the National Technical Director.

**Mr Quirin:** M. le président, ce n'est pas une affirmation; c'était une question.

*(Interruptions)*

Le ministre, serait-il disposé afin de dissiper tous les doutes et pour éviter à ce que l'image du pays et du sport mauricien en particulier ne soit terni à l'avenir...

*(Interruptions)*

**The Deputy Speaker:** Hon. Member, in fact, this issue does not arise out of the main question which concerns why the athletes returned back. I gave the hon. Member latitude to put his question, but he has not related it in any way to the return.

*(Interruptions)*

Yes, please!

**Mr Quirin:** Pour terminer...

**Mr Ritoo:** M. le président, c'est une allégation très, très sérieuse parce que l'honorable membre...

*(Interruptions)*

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

*(Interruptions)*

Let the Minister answer, please!

**Mr Ritoo:** L'honorable membre, qui prétend s'occuper des athlètes, parce que je le vois régulièrement dans *les training camps*...

**The Deputy Speaker:** No, please! The hon. Minister must answer without putting any epithet.

**Mr Ritoo:** ...fait une allégation contre les haltérophiles qui vont participer pour les Jeux des Iles. C'est très, très sérieux. Nous avons le *World Anti-Doping Agency (WADA)*. Il peut faire une enquête auprès du *World Anti-Doping Agency* pour voir si les haltérophiles ont été - je ne sais pas de quel stéroïde il est en train de parler. C'est une grave allégation parce que

nous, ici à l'île Maurice, sommes en train de soutenir les athlètes avec tous les moyens de bord. Donc, venir dire qu'il y a eu une injection quelconque et obliger l'athlète à prendre une injection, ce sont des *hearsays*. Je ne sais d'où cela vient mais c'est une allégation assez sérieuse.

*(Interruptions)*

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

**Mr Bérenger:** Being given that the Minister, himself, says that these are very serious allegations, we are entitled to expect him to say that a full inquiry will be carried out.

**Mr Ritoo:** How are we going to put up an inquiry when there is no such allegation so far? It is only now that the hon. Member is stating that he has heard that...

*(Interruptions)*

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

*(Interruptions)*

Order! Order!

**Mr Ritoo:** We can ask the Regional Anti-Doping Agency; we have a Medical Unit at the level of my Ministry and we can make a suggestion.

*(Interruptions)*

**The Deputy Speaker:** I understand that the Member raised an issue which is not really pertinent to the main question. It is something very serious. The Minister has now been made aware about it. We will not probe further into that particular issue.

*(Interruptions)*

Next question, hon. Ganoo!

### **WATER SUPPLY - SINGAPORE - ASSISTANCE**

(No. B/542) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the water sector, he will state if the Government of Singapore has submitted any report, following our request for assistance and, if so -

- (a) when;
- (b) if any financial evaluation has been submitted concerning the re-organisation of the sector and the impact of same on the water tariffs;
- (c) if any proposal has been made concerning the merging of the Central Water Authority, the Wastewater Management Authority, the Water Resources Unit and Irrigation Authority, and



(d) table copy of the report.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, the hon. Member may wish to refer to my reply to the PNQ of 24 May 2011, wherein I informed the House that in May 2011, Government approved that Singapore Cooperation Enterprise and Public Utilities Board be appointed to develop an integrated water management framework in Mauritius with a view to achieve a 24/7 potable water supply; reduce non-revenue water; improve management of water resources and develop a plan to meet increasing and changing demands.

The Singapore team proposed a two-phase approach. The first phase will consist in the

- development of a Strategic Water Sector Plan,
- development of an institutional structure;
- development of Operations and Maintenance Strategic Framework;
- capacity building, and
- overall programme management.

The Singapore team was appointed in May 2011. It is expected to start its assignment next week and to submit a report at the end of six months.

**Mr Ganoo:** Can we know whether the Singaporean Authority has also conducted any survey in the country with regard to our water infrastructure?

**The Deputy Prime Minister:** They have been involved in all aspects of water production, water reuse in the widest possible sense. Yes, they are involved.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Minister whether any fees is being paid to the Government of Singapore for these services or it is under a cooperation programme between the two countries?

**The Deputy Prime Minister:** It is with Singapore Cooperation Enterprise.

**Mr Ganoo:** Can the hon. Deputy Prime Minister table a copy of the report later when it is ready?

**The Deputy Prime Minister:** I will copy whatever the Singaporeans would like to release because part of it is very sensitive information, they are copyright and they are quite keen that it should be so.

(No. B/543) **Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Arts and Culture whether, in regard to the collection of paintings of the Mauritius Institute which was stored in what is now the Dodo Gallery, he will state -

- (a) if same have been indexed and moved to a secured place;
- (b) the arrangements made for their safe conservation and restoration, and
- (c) where and when will same be exposed again.

*(Withdrawn)*

### **RING ROAD PROJECT - SECOND PHASE**

**No. B/544) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Housing and Lands whether, in regard to the second phase of the Ring Road Project, he will state -

- (a) if the outline thereof has been finalised;
- (b) when works are expected to start and be completed, and
- (c) if the families who will be affected thereby have been informed accordingly.

**The Minister of Public Infrastructure, National Developing Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, with your permission, I shall reply to Parliamentary Question No. B/544.

As regards to part (a), I am informed by the Road Development Authority (RDA) that, on the basis of a detailed design carried out by Consultant DHV International U.K. in 1999, a corridor was earmarked for the Ring Road Phase II Project. The same corridor is being maintained. This Project will be part of the Road Decongestion Programme and will be implemented under a Public Private Partnership Agreement.

As regards to part (b), land acquisition procedures for the Ring Road Phase II have just been initiated. The persons affected by the project will be informed by way of publication of notices under Section 6 of the Land Acquisition Act in due course.

As regards part (c), according to the implementation schedule of the RDA for the Road Decongestion Programme, it is expected that an agreement with the selected bidder would be signed by 2012 and works may start early in 2013.

**Mr Uteem:** May I know from the hon. Minister, in connection with the acquisition of the land, will financial compensation be paid, will there be a land swap or will the building be offered to the people whose houses will have to be destroyed?

**Mr Bachoo:** Mr Deputy Speaker, Sir, as per established acquisition procedures, for big projects involving numerous land owners, compulsory acquisition is resorted to, since it is

neither possible nor expedient to acquire land required for project one by one. We are going to move for compulsory acquisition and the first priority normally is for financial compensation that we give. In certain cases, we also make land swapping, but here, I get the feeling that it would be more or less financial compensation. It all depends. Searches are being carried out. Let the inquiry be over and then we will be in a position to know as to the extent of land that we are going to acquire or whether there are buildings which have to be acquired and then compensation has to be paid by Government to those owners.

**Mr Uteem:** The hon. Minister of Housing, when I asked a similar question on Ring Road, mentioned that a plot of 4 *arpents* in Military Road has been identified for relocation of some squatters and, last week, when answering to a PQ, the Minister reiterated that he is going to use part of Military Road to relocate the people from Vallée Pitot. Do I take it that now the plan is no longer to give them land, but to give them financial compensation?

**Mr Bachoo:** No, Mr Deputy Speaker, Sir, it all depends, as I have mentioned, there can be some land swaps also and if place is available for the relocation of those inhabitants and they are willing to accept it, of course, we have to vet. This is a very delicate issue, a very human issue. That is the reason why we have to resort to all types of negotiations, we can't impose. The best policy should have been that we have to negotiate with those people.

**Mr Uteem:** Is the hon. Minister aware that people in the region of Tranquebar have acquired property in *morcellement* which was duly authorised by the Ministry of Housing and they are now told by the Road Development Authority that they cannot build on the plot of land that they have acquired?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am in presence of one case which I have got recently. One owner had applied for permission to subdivide his land into four plots and one of the plots has been taken up by Mr X and, apparently, he has already constructed on that land and after partial construction, he has applied for building permit. The Municipality has written to the RDA which had answered that that particular plot will form part of the Ring Road, but, if in case that part of land will be taken, the adequate compensation will have to be made.

**Mr Uteem:** Will the hon. Minister agree that if land has been identified for the Ring Road, how is it possible that the Morcellement Unit will grant an authorisation to *morceller* these plots of land and sell them for residential purposes in 2009?

**Mr Bachoo:** Mr Deputy Speaker, Sir, there have been many such cases also in the past where the RDA has already earmarked a plot, a particular region, where land has to be acquired. I have got many cases where, at least, for 10 to 15 years, we have prevented people

from developing that region and after 10 to 12 years, we come all of a sudden and say that this particular plot will no longer be required and in doing so we have deprived those people of that possibility of developing the land. That might have been the case why, since 1999 that plot of land was earmarked, nothing was being done. That might have prompted probably, the Morcellement Board at that time to allow the partition of the land. I can take the example of Northern Tourist Zone Road Project, for example, for the past 15 years, we had prevented people from developing the land and now we are authorising them to go ahead. We have got another one, East West conurbation from Palma to Stanley. We don't want to take such risk.

**Mr Uteem:** Mr Deputy Speaker, Sir, as far back as 2005, the Municipal Council of Port Louis has been notified not to give any development permit on land in this region without a clearance from the Road Development Authority. In 2009, the Morcellement Board approved the sale of these plots of land for residential purposes. People took loans and bought these plots of land, but now they are informed by the RDA, which had approved the *morcellement*, that they cannot build on this land. Does not the Minister feel that somewhere the Road Development Authority has to take its responsibility? Why did they not object to the *morcellement* in the first place?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I think if I am not mistaken, it is in 2008 that the decision was taken by the *Morcellement* Board. As I have just mentioned, for whoever is in possession of the land, if Government has to acquire it, it will do so. Even if the original proprietor would have been there, the same law would have applied to him as well.

**The Deputy Speaker:** I think that this issue has been fully thrashed out.

*(Interruptions)*

**Mr Uteem:** Being given that these people are not allowed to build on this land now, that amounts to already having compulsorily acquired their right to construct. Would the hon. Minister see to it that adequate compensation be paid as soon as possible to all these people who are now being prevented from building on the plot of land they had acquired?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am not going to comment too much because I am not aware of the extent of land that has to be acquired. One thing I have to say is that there have been various changes in the alignment from 1999 onwards. It all depends on the alignment that we are going to accept. Let the alignment be worked out properly and let us try to find the searches then we will be in a position to know. One thing also is very clear, Mr Deputy Speaker, Sir, in every nook and corner of the country, we are working for compulsory acquisition at a skyrocketing speed. If ever one or two mistakes might have been committed here and there by the officers, definitely it is my duty to inform the House. To err is human,

but I can vouch in the House that the officers, whether they belong to the Ministry of Land and Housing or to my Ministry, are doing a marvellous job.

**Mr Ameer Meea:** Can I ask the hon. Minister if the second phase of the Ring Road will pass near the housing units that will be built at Military Road.

**The Deputy Speaker:** The Minister stated that the alignment has not yet been determined.

**Mr Ameer Meea:** I am asking the hon. Minister if the Ring Road will pass next to the housing units that will be built at Military Road.

**Mr Bachoo:** In fact, if I am not mistaken, Mr Deputy Speaker, Sir, we will not reach up to that place. The second part will end up, let's say, in the vicinity of Champ de Mars. Let's reach the bridge and then we will cross it.

**Mr Baloomoody:** The hon. Minister say that the alignment is not completed, but already, from what I understand, many people, be it at Tranquebar or Reserves Street, Port Louis, have taken loans and are paying interests. Are they allowed to build or not? Can I know from the Minister when this alignment will be finalised?

**Mr Bachoo:** As I have mentioned, we have already carried out searches at the Ministry of Land and Housing. I can assure the House that, in the months to come, everything will be ready. We are going very fast.

*(PQs No. B/545 & No. B/546 – See Written Answers to Questions)*

#### **CITE EDC, MONTAGNE LONGUE - STREETS**

**(No. B/547) Mrs A. Perraud (Fourth Member for Port Louis North & Montagne Longue)** asked the Minister of Local Government and Outer Islands whether, in regard to the housing estates at Cité EDC, at Montagne Longue, he will, for the benefit of the House, obtain from the District Council of Pamplemousses and Rivière du Rempart information as to if the streets are named and if not, why not, indicating if remedial measures will be taken.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed by the Pamplemousses-Rivière du Rempart District Council that Cité EDC, the first Housing Estate put up at Long Mountain, is along Ilot Branch Road and the main access within the estate is known as Dr. André Street. I am, however, informed that there are a few minor accesses which have not yet been named. The Long Mountain Village Council is, therefore, being requested to consider as a matter of urgency the naming of all these accesses.

#### **CHILD PROTECTION - STUDY**

(No. B/548) **Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the child, she will state if any study has been carried out on the structural wellbeing, protection and security thereof at national level and, if so, indicate the -

- (a) outcome thereof, and
- (b) short and medium terms measures proposed.

**Mrs Bappoo:** Mr Deputy Speaker, Sir, in regard to the structural wellbeing, protection and security of the child at national level, there has not been any study as such. I am informed that, following the United Nations General Assembly Special Session on children where world leaders pledged to take concrete action to create a world fit for children, the Mauritian Government also came forward with a “Republic fit for Children” Policy Paper 2003-2015 to pave the way in a holistic manner for the total development of the Mauritian child. The Children’s Policy Paper was followed by a corresponding National Plan of Action.

This Paper was produced after wide consultations with all stakeholders of Government, the private sector, NGOs, parents, community-based organisations and even children.

It is also to be noted that, to better protect the Mauritian child, the Child Protection Act 1994 amended in 2005 and 2008 has, as main objectives, the safeguarding of the best interests of the child in his/her rights. This legal framework also assists and protects the child from the suffering of any form of violence. The Children’s Policy Paper with its National Plan of Action and the Child Protection Act cater for the protection and security of our Mauritian child.

These policies, Mr Deputy Speaker, Sir, are still relevant today and emphasise the roles and duties of Government, private sector, civil society including parents to promote and protect children’s universal rights in accordance with the provisions of the Convention of the Rights of the Child.

Although a lot has been achieved in terms of action taken to protect our children and, in view of the increasing number of cases of children victims of violence, there is still much to do to improve and ensure the protection and security of our children.

As regards part (b) of the question, as from May 2010, I have introduced a series of new initiatives which include, *inter alia*, -

- (i) the reinforcement of the Child Protection Services to attend and provide timely intervention on reported cases of children victims of violence;
- (ii) the training of field staff on techniques for interventions and counselling in child violence cases;

- (iii) the development of a guideline for intervention to ensure standard practice at the level of all outstations;
- (iv) the provision of two new shelters for children victims of abuse presently under construction, one at Cap Malheureux for boys aged 12 years and above, and the other one at Floreal for infants below three years, to relieve the shelter of the Ministry at 'La Colombe', Pointe aux Sables which is, at date, overcrowded;
- (v) the launching, at date, of *Ecole des Parents* in 13 deprived regions under the National Parental Empowerment Programme;
- (vi) the strengthening of the Community Child Protection Programme including the setting up of Community Child Watch in 20 high risk regions and nine District Child Protection Committees;
- (vii) the setting up of the School Child Protection Clubs in Primary and Secondary Schools with the aim of creating a platform at school level for the empowerment of the child towards the creation of a violence free environment conducive for his/her overall development;
- (viii) the setting up of a special squad and a forthcoming inspectorate for the proper monitoring of Child Day Care Centres;
- (ix) the strengthening of the Foster Care System to give the opportunity to children removed from their family environment to evolve in a substitute family and, up to now, some 90 children have been placed in foster families;
- (x) initiation for a consultative process since November 2010 to work out a new Children's Bill and this process will be ongoing till December 2011.
- (xi) construction of a Residential Care Centre for victims of commercial sexual exploitation of children
- (xii) intensifying the crackdown operations organised during the school year jointly with the *Brigade de la Protection des Mineurs* and the National Children's Council with a view to discourage children from loitering and undertaking risky behaviours.

I would like, here, Mr Deputy Speaker, Sir, to point out also that a UN Special *Rapporteur* on the sale of children, child prostitution and child pornography visited Mauritius from 02 to 11 May 2011 and the objective of her mission was to gather first-hand information and present an impartial evaluation of the situation of children victims of violence in Mauritius.

Following a series of meetings with the different Ministries/Departments and NGOs involved with children, she has recommended the setting up of a National Strategic Framework so that the role of all stakeholders/actors, intervening in children cases can be clarified and, at the same time, harmonised and integrated for prompt and effective action. Actually, we are working on the terms of reference of a UN Consultant to assist my Ministry in the setting up of this framework at national level.

Furthermore, Mr Deputy Speaker, Sir, I am proud to inform the House that, no later than last Thursday, that is, on 16 June, on the occasion of the International Day of the African Child, my Ministry in collaboration with the National Children's Council has launched the National Children Committee stipulated at section 13 of the National Children's Council Act 2003. This Committee was long overdue and has come to address the need for a National Interactive Children's Forum where children, themselves, can voice out their views and opinions thus translating into reality the right to participation in line with Articles 12 and 13 of the Convention on the Rights of the Child.

#### **HOSPITALS (REGIONAL) - CATERING UNITS**

**(No. B/549) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the Minister of Health and Quality of Life whether, in regard to the catering units of the five regional hospitals, she will state, in each case -

- (a) the number of staff presently employed on a permanent basis;
- (b) the present number of vacancies, and
- (c) if it is ISO certified and, if not, the hygienic norms and standard it adheres to.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the total number of staff presently employed on a permanent basis in the Catering Units of the five regional hospitals is 120. There is a total of 85 vacancies. I am circulating details of the staffing position of each of the hospitals.

Concerning part (c) of the question, the catering services in the regional hospitals are not ISO certified.

However, the House may wish to note that the Central Flying Squad and the Health Inspectorate of my Ministry carry out regular inspections at all hospitals to ensure that the sanitary conditions of catering services are maintained. As a matter of fact, the hygienic norms adopted by the catering services are based on the Hazard Analysis and Critical Control Point (HACCP) system, whereby appropriate measures are taken at all critical points to ensure that food provided to the patients is of good quality and safe for consumption.



Moreover, all Catering Officers and other kitchen personnel have been given appropriate training in food safety to ensure better hygiene and management.

**Mr Bérenger:** Can we be offered explanations as to why the number of vacancies is nearly as high as the number of staff in employment?

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, in fact, some changes have been mentioned in the PRB report which require a change in the scheme of service. Several posts have been created whereby the schemes of service are still at the Ministry for Civil Service Affairs.

### CEB - LOW VOLTAGE NETWORK - APPLICATIONS

**(No. B/550) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Government assistance for Low Voltage Network, he will, for the benefit of the House, obtain from the Central Electricity Board information as to, since January to May 2011, the number of applications received, indicating the -

- (a) average time taken for the processing of one application, and
- (b) amount of money disbursed in respect of the successful applicants.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, with regard to part (a), I am informed by the CEB that with respect to assistance for extension of Low Voltage Network -

- (i) 49 applications were received during period January to May 2011, and
- (ii) the processing of applications and implementations takes around two to three months once the applicant submits all the required documents.

As regards part (b), from 2007 to date, 674 applications have been approved, 654 have already been implemented, and Rs20,042,250 has been disbursed. Since January 2011, approval has been conveyed for 37 applications, representing a disbursement of R1m.

Following representations by the hon. Member, I am reviewing the procedures to further reduce the processing time and especially, Mr Deputy Speaker, Sir, to assist applicants in obtaining all the documents required.

**Mr Khamajeet:** As this scheme is for the poor people, can I ask the hon. Deputy Prime Minister whether the Rs1,500 processing fees could be waived?

**The Deputy Prime Minister:** I am looking into it. It could be waived after the processing, because otherwise we will have too many applications that are not serious ones. We will look into it.

### NEW INDUSTRIAL ROAD - BUS SERVICES

**(No. B/551) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to public transport, he will, for the benefit of the House, obtain from the National Transport Authority, information as to if consideration will be given for the provision of bus services on the route new Industrial Road, Port Louis via La Tour Koenig to Pic Pic and vice versa linking the Peuplier Street to the new Industrial Road at the roundabout and with Paquerette Street at Pointe aux Sables.

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am informed by the National Transport Authority that the Triolet Bus Service Ltd is currently providing regular bus services along route 51 from Transportation Centre, Port Louis, to Pointe aux Sables, with extension to Morcellement Pic Pic via La Tour Koenig.

The NTA, has, on 07 April 2011, approved an application from Triolet Bus Service Ltd to operate a new bus service between Port Louis and the new industrial zone via La Tour Koenig, which will start in July 2011.

However, I am informed that, since there is no link road between Peupliers street and the new industrial zone so it is not possible to provide a bus service along this route.

### CHARTE DE L'OBSERVATOIRE DES PRIX - GUIDELINES

**(No. B/552) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Minister of Business, Enterprise, Commerce and Consumer Protection whether, in regard to the guidelines and criteria set down in the *Charte de l'Observatoire des Prix*, he will state if consideration will be given for amendments to be brought thereto in order to give an accurate picture of the price level of consumer goods.

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, the Price Observatory was set up on 23 March 2011, with a view to bringing transparency in the evolution of prices of commodities to protect consumers. Its core rationale is to encourage competition between players, and to provide consumers with a greater choice and information on outlets and regions practising the lowest or the higher price policy.

The Price Observatory operates as per a well-defined methodology, which is agreed upon by consensus by members of the Management Committee of the Observatory.

Mr Deputy Speaker, Sir, the first round of collection of price data was conducted on 24 May 2011 and published in a chart. The chart highlighted the prices of 60 products in 22 outlets across the country, classified by geographical district. The 22 outlets have been chosen

in such a way that all regions in the island of Mauritius as well as the main shops signs are represented. Rodrigues will be covered in due course.

My Ministry is open to all comments, positive criticisms and complains made so far in this perspective. These are being taken on board by the Committee for further improvement.

Mr Deputy Speaker, Sir, the Price Observatory is two months old and is a new mechanism in the consumer protection landscape with the objective to observe and to inform the mass. The Council for Consumer Education and Information will back up the Price Observatory to disseminate information to the public at large, and most particularly at grass root level.

Mr Deputy Speaker, Sir, I am confident that the Price Observatory will be able to encourage competition among the players, and will generate a shift from the consumers' mindsets which are dominated by brand related purchases to quality related prices.

**Mr Seetaram:** I thank the hon. Minister for his answer. Concerning the *Charte de l'Observatoire des Prix*, the hon. Minister has stated that there are...

**The Deputy Speaker:** Put your question!

**Mr Seetaram:** I would like to ask the hon. Minister whether he would consider taking on board shops in rural areas, and not only *les grandes surfaces*, supermarkets or hypermarkets, and also setting up specific procedures, same as *Charte de l'Observatoire des Prix* for those shops?

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, of course, we will take this into consideration, but we have to start somewhere.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Minister how often is the survey updated?

**Mr Yeung Sik Yuen:** Once a month.

#### **PSSA EMPLOYEES UNION - REPRESENTATIONS**

(No. B/553) **Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Education and Human Resources whether, in regard to the Private Secondary Schools Authority (PSSA), he will state if he has been informed of the representations from the PSSA Employees Union in relation to the functioning thereof and, if so, if an inquiry has been carried out thereinto and the outcome thereof.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, the Private Secondary Schools Authority Employees Union has, in a letter dated 20 May 2011, made representations relating to a number of issues at the PSSA on understaffing and non-filling of long overdue vacancies,

absence of proper training, inadequate logistics, lack of support from Management to proposals for review of salary and conditions of service, and the need for restructuring.

The Union has also stated that there should be a policy of constant dialogue between the Management and staff representatives so that constructive proposals can be made with a view to bringing improvement and promoting sound industrial relations.

With a view to addressing the matter, my Ministry requested the PSSA to submit a report on the issues raised by the Union.

I am informed by the PSSA that its Management has met the Executive Committee of the PSSA Employees Union to reassure them that their concerns were being addressed and sorted out, and certain misunderstandings clarified.

According to the report from the PSSA on the grievances, the staffing problem seems not to be so acute at the Authority. The Authority has already embarked on a recruitment process to fill in relevant vacant positions after following established recruitment procedures.

With regard to the representation on inadequate training, the Authority has advised that there is a Staff Development Scheme at the PSSA to sponsor staff on courses relevant to their duties. From July 2007 to date, eight officers from various sections benefited from direct sponsorship by the PSSA, however, it is felt that training should be extended to a greater number of officers.

As regards logistics, I am informed that, as at now, staff of all sections, except the Supervision Unit, has their own computer, and many have also Internet facilities. The PSSA has decided to extend provision of computer facilities to the supervisors. Twelve additional computers will be provided to the supervisors shortly. Logistic and communication facilities will also be provided to the staff concerned.

As for the absence of support from Management regarding proposals for review of salary and conditions, I wish to highlight that, at the meeting of the Private Secondary Schools Board held in May 2011, it has been suggested to the Board that an appropriate mechanism be set up at the level of the PSSA, so that there is a constant dialogue between Management and the Trade Union, such that all their representations and grievances are addressed in a structured and constructive manner for sound industrial relations. The Board agreed to this proposal.

A Committee is accordingly being set up at the level of the PSSA to look into the proposals of the Union for the next PRB exercise. Appropriate recommendations would be submitted to the PRB, after being endorsed by the Private Secondary Schools Board.

Mr Deputy Speaker, Sir, my Ministry is closely following up with the PSSA which has been requested to meet the Union on a regular basis and address their grievances. We shall also extend our full support to many of the proposals of the Union for review of the conditions of service of the PSSA staff in the context of the next exercise by the PRB.

I wish to inform the House that the PSSA has also been requested to carry out an in-house brainstorming on the review of the role, functions and operations of the Authority, and come up with proposals to amend the PSSA Act, taking into account its new role and responsibilities, the proposed management and funding framework, the pedagogical and curriculum innovations being introduced, including new assessment programmes and quality assurance needs.

In the context of this exercise, I shall be inviting all interested parties and stakeholders to submit their proposals on the overall review.

Mr Deputy Speaker, Sir, I wish also to add that we are committed to providing the PSSA and its staff with the necessary support and resources so that it becomes a more effective and proactive institution in the context of our efforts to reform and modernise the education sector. I shall personally see to it that this happens, and will certainly be meeting the Union representatives shortly, at the appropriate time.

**Mr Obeegadoo:** Would the hon. Minister be aware of the fact that the cadre, responsible for visiting private secondary schools, monitoring the implementation of grants and so on, has dropped dramatically from a number of 30 over the last few years to a mere 13 and, if so, will he tell us why the situation was allowed to deteriorate in such a manner?

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, in the context of reforms, we are, in fact, seeing *en profondeur* the PSSA Act itself. I didn't mention it here because we are waiting for the work to be done at the PSSA, but, very soon, we are going to have a forum organised where all stakeholders will have to come forward and give their views.

**Mr Obeegadoo:** The Minister chose not to answer the question which was why the situation has been allowed to deteriorate, so be it. May I put it to him that, in fact, it is because the conditions of employment of that cadre - inspectors or supervisors by whatever name called - no longer compare favourably to those of education officers/educators so much so that there are no applications for vacancies in that existing grade. If so, will he agree to look into this matter urgently and take appropriate steps so that it be corrected?

**Dr. Bunwaree:** Yes, we are looking into that. In fact, we have already started looking into that and there are many other specific issues; we cannot take it only on this one.

**Mrs Ribot:** Mr Deputy Speaker, Sir, I would also like to ask the hon. Minister to look as far as the shortage of staff is concerned not only in the grade supervisors, but also in the grade of clerical officers and even long overdue nomination of an assistant director?

**Dr. Bunwaree:** Yes I am informed that they are in the process of appointing a few of them.

### LYCÉE POLYTECHNIQUE DE FLACQ – STUDENTS’ STRIKE

(No. B/554) **Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Education and Human Resources whether, in regard to the *Lycée Polytechnique de Flacq*, he will state if the issues raised by the students and by their parents, in connection with the strike action thereat, have now been addressed and, if so, indicate the measures that will be taken with a view to improving the management and overall running thereof.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, in the context of the sit-in organized by students of the *Lycée Polytechnique* Sir Guy Forget of Flacq, the following issues have been raised by students and parents -

- (i) recognition of the *Brevet de Technicien (BT)* course run by the *Lycée* and the award of the BT Certificate by the Mauritius Examinations Syndicate (MES);
- (ii) assurance that on completion of the BT course, successful students will be able to pursue their studies at the *Institut Supérieur de Technologie (IST)*;
- (iii) replacement of the Management of the *Lycée* and appointment of a new Manager;
- (iv) setting up of the Parent-Teachers Association (PTA) and the Students Council;
- (v) addressing health and safety issues;
- (vi) allowing students to take part in regional inter-institutional sports events;
- (vii) renewal of equipment, and
- (viii) cooperation with French Authorities.

I would like to point out that, in a *point de presse*, on Thursday 02 June 2011, the following were imparted -

- (i) the *Brevet de Technicien (BT)* is to be exceptionally awarded by the MES;
- (ii) a Team comprising the Director of the MES, the Director of the Mauritius Qualifications Authority (MQA) and a representative of my Ministry will look into inherent problems and come up with recommendations to remedy the situation at the *Lycée*;
- (iii) the Management of the *Lycée* will be consolidated, and

- (iv) “*cours de rattrapage*” will be organised in due course in order not to penalise students.

I would like to point out to the House, Mr Deputy Speaker, Sir, that the *Brevet de Technicien (BT)* Certificate has been awarded exceptionally by the MES to some 64 successful candidates at an award ceremony held on 09 June 2011.

The Team constituted has submitted its report on 20 June 2011, making recommendation for a change of management at the level of the *Lycée*. In this respect a Manager, on a contract basis of one-year duration, has been appointed from trainers who were senior in terms of years of service and having the required experience. The complete Report of the Team has recently been produced - as I mentioned - and a managing committee comprising management and senior staff among trainers of the *Lycée Polytechnique* Sir Guy Forget of Flacq is also being set up to support the newly appointed manager in his responsibilities.

A team comprising Occupational Safety and Health Officers of the Ministry of Labour, Industrial Relations and Employment and of the Occupational Safety and Health Unit of the Ministry of Civil Service and Administrative Reforms paid a visit to the *Lycée* and has submitted its report and remedial measures to be taken in many cases not compliant with the Occupational Safety and Health Act.

Procedures laid down by the Registry of Associations will be followed for the setting up of a Parent-Teachers Association (PTA) and measures are being taken to constitute the Students Council.

Students have been informed that there is no objection to their taking part in sports activities or inter-institutional sports events as well as artistic events. In fact, I am going to encourage these types of activities. Trainers will be identified to be responsible for the different activities mentioned.

Concerning the representation made by students for cooperation with the French Authorities to be reactivated, I would like to point out that the cooperation existed since 1982, but there has been no follow-up since 1998. At my request, two experts from *l'Académie de La Réunion* were deputed from 02 to 06 August 2010 where they recommended the necessity to review the course curriculum of the BT programme and its eventual replacement by the *BAC-Professionnel*. A meeting was held with representatives of the French Embassy on 22 April 2011 on the modalities to convert the *BT* into the *BAC-Pro* on a pilot basis at the *Lycée*. The other aspects discussed were the training of trainers, design of new curriculum and renewal of equipment. Arrangements have been made to approach the French Authorities to

make available the services of a French Expert to carry out an audit to review course curriculum, to renew essential equipment and make recommendations on training of trainers. I have been given to understand that the French Expert has confirmed his visit to Mauritius as from 24 June 2011, that is, coming Friday. It is necessary to bring out that discussions are underway for the renewal of the *Convention de Coopération* with the French Authorities.

Mr Deputy Speaker, Sir, I also met the representatives of the students on Saturday last. All issues were cleared and they agreed to resume courses normally. A communiqué has recently been released to inform parents and students of resumption of the courses as from Monday 20 June 2011, yesterday. A programme for *cours de rattrapage* has already been elaborated in view of the fact that students have missed courses for some days. Indeed, courses are now running normally.

**Mr Obeegadoo:** I would like to raise three supplementary questions, Sir. The first is: will the hon. Minister tell the House why it took him two long weeks...

*(Interruptions)*

Do I have the floor Sir? Why did it take him two long weeks to give some attention to the *Lycée Polytechnique* issue and three long weeks to eventually meet the students, whereas had he done so before, it would have diffused the whole situation and we would have avoided all this trouble caused over the last three weeks?

**Dr. Bunwaree:** I don't agree with the hon. Member. In fact, we are dealing with students and we know what it means. I must say something very curious appeared to me, because this is the second year after the setting-up of the MITD that we are running courses. Last year, examinations were held, nothing happened so I had to put myself a few questions. This is number one. The second thing is that we are exactly in the period where a joint negotiating panel has been set up and employees of the ex-IVTB and ex-TSMTF have been asked to exert their options. That seemed very curious to me and I needed some time to understand what was happening. I always stayed by the side of the students. In fact, the meeting on Saturday proved itself.

**Mr Obeegadoo:** The reason is that no diplomas have been awarded since 2009, but I will not argue with the Minister. My second point is: he's had a meeting Saturday last with the students. They have asked for a written statement of points agreed because they would like to have a firm commitment from the Ministry to implement the undertakings made at that meeting. Will the Minister agree now to provide them with this written statement of undertaking commitments made by the Ministry?



**Dr. Bunwaree:** I am not going to fight with the students and I don't know from where the hon. Member gets the information. I mentioned to the students that I'll put all this on paper and give it to them. They have already been given a copy of the communiqué that was released after the meeting with them and, of course, I am preparing another paper because these students were representatives of the whole population of students. I wish them to keep their heads high so that their friends know what has been happening in my office.

**Mr Obeegadoo:** I am very happy that the Minister is now at long last so considerate vis-à-vis the students. My third issue is to ask the Minister whether he can explain how it is that the Head of the Trade Union of the Lycée Polytechnique was made to resign on one day and, on the second day, offered ...

**The Deputy Speaker:** Are we with a union here?

**Mr Obeegadoo:** Yes.

**The Deputy Speaker:** Are we with the students?

**Mr Obeegadoo:** Yes, it concerns the management of the Lycée Polytechnique, Sir. I am talking about the issues raised concerning the management of the Lycée Polytechnique and overall running. My issue is: will the Minister kindly explain to us how is it that the Head of the trade union was suddenly invited to retire and the very next day he was offered the position of manager? How it is that there was no advertisement, no call for applications, no open selection procedure? Is the hon. Minister aware that this person may not hold the basic qualifications as per the scheme of service and can the Minister tell us whether as per the law the Board appoints...

**The Deputy Speaker:** Please, may I urge the hon. Member to come with a specific question as regards that particular gentleman? We are here with the issue about the students.

**Mr Bérenger:** I heard the Minister, if I am not mistaken, talking about that officer and saying that he has been offered a contract of one year so we are entitled to know how things like that can happen.

**The Deputy Speaker:** I am open if the hon. Minister can give the answer. I have no problem.

**Dr. Bunwaree:** I am informed, Mr Deputy Speaker, Sir, that all procedures have been followed.

#### **EMBASSIES & HIGH COMMISSIONS - PUBLIC OFFICERS**

**(No. B/555) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether,

in regard to our Embassies and High Commissions, he will state the names of the public officers posted thereat who have overstayed the three years period of tour of duty as at to date, indicating in each case, the -

- (a) status/grade;
- (b) number of years of posting in the same place, and
- (c) reasons therefor.

**Dr. A. Boolell:** Mr Deputy Speaker, Sir, officers of the diplomatic service are required to serve at the Ministry and in our overseas Missions on a rotational basis. Support staff in the general service who used to be posted abroad have, over the years, been replaced by local recruits.

The PRB report 2008 has recommended that the duration of the tour of officers of the diplomatic cadre be for a period of three years and can be extended for a further period of one year.

However, the Ministry is compelled by circumstances or exigencies of the Diplomatic service to extend the tour of service of officers of the Diplomatic Cadre beyond that period for reasons such as -

- (a) posting of a new Ambassador and recall of the Ambassador in post warranting the extension of the stay of the senior most home based staff;
- (b) absence of an Ambassador in certain Missions;
- (c) difficulties in posting of staff in overseas Missions for personal, family and other obvious reasons;
- (d) difficulties of moving families with children attending school;
- (e) officers have to remain posted at Headquarters until such time when their turn of posting comes up, and finally
- (f) sometimes due to difficult financial circumstances.

I wish to inform the House that most of the members of our home based staff whose tour of service have expired have already been requested to come back.

Mr Deputy Speaker, Sir, as regards part (a), (b) and (c) of the question, I am arranging for the information to be placed in the Library of the National Assembly.

**Mr Bérenger:** Mr Deputy Speaker, Sir, at least can we have the number of officers who have overstayed their three-year period?

**Dr. A. Boolell:** Yes, 19.

**Mrs Navarre-Marie:** Mr Deputy Speaker, Sir, will the hon. Minister state whether he is aware that the way posting is being actually made is causing much frustration and demotivation among the staff, because of a *politique of deux poids deux mesures*?

**Dr. A. Boolell:** Mr Deputy Speaker, Sir, this is not so. If there is a Minister who is accessible to Members of the staff, I am accessible and if there is any problem that has to be sorted out, it will be sorted out. Therefore, there is no hard and fast rule. In fact, we have to be pragmatic and practical.

*(Interruptions)*

**The Deputy Speaker:** Order! Yes, please, hon. Obeegadoo!

**Mr Obeegadoo:** The Minister has given a long explanation suggesting that, according to personal circumstances in individual cases, exceptions are made to the general rule, but will he agree that there are two missions, in particular that of London and Paris where all the senior staff apparently have been in post for five years or more.

**Dr. A. Boolell:** You are right. It is apparent, it is not real.

#### **JAPAN - VEHICLES - RADIOACTIVITY**

**(No. B/556) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the vehicles imported from Japan which have been contaminated with radioactivity, he will state if –

- (a) same have been shipped back to Japan on board vessel MSC Rania H1119R which was expected to transit in Mauritius between 15 and 17 May 2011, and
- (b) the car handlers have been made to undergo medical tests and if so, the outcome thereof.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, thirteen second hand vehicles, shipped prior to the decision of Government imposing a pre-shipment inspection, have been found with radioactive contamination.

These vehicles have been sealed in 4 containers, presently stacked in the Container Terminal at the port, with no risk of exposure.

The contaminated vehicles were expected to be shipped back to Japan on board the vessel MSC Rania H1119R which transited in Mauritius during the period 15 to 17 May 2011.

However, I have been informed by the Radiation Protection Authority (RPA) that the Mediterranean Shipping Company (MSC) has raised technical issues regarding the safe

transportation of such goods. The parties concerned have sought the advice of the International Maritime Organisation (IMO) and the International Atomic Energy Agency (IAEA).

With regard to part (b), I am informed that the RPA had briefing sessions with the officers of the Cargo Handling Corporation and the Customs Department on precautionary measures for the handling of vehicles imported from Japan. For the handling of the contaminated vehicles, the RPA has provided necessary protective equipment to the handlers.

The only potential health hazard comes from the ingestion of significant amount of radioactive material through eating without hand washing after the handling of the vehicles. However, as the levels of contamination are very low and the precautionary measures are being taken, the associated health hazard is almost nil.

Mr Deputy Speaker, Sir, following a suggestion from the hon. Member who asked the question, I will seek the advice of the IAEA on the matter of medical test, because I am not aware that any test will be of any help at this level.

**Mr Bérenger:** Can I ask the hon. Deputy Prime Minister whether to confirm public confidence the report of the Radiation Protection Authority will be made public?

**The Deputy Prime Minister:** Yes, I will make them public.

**Mr Bérenger:** Secondly, is it a fact that the company that brought the vehicles in offered to bring in experts from overseas – Japan, I understand - to do the necessary, to decontaminate the vehicles concerned so that they might be re-exported?

**The Deputy Prime Minister:** I have not been informed of this offer, Mr Deputy Speaker, Sir. As I have said, the problem has been with transportation and we are looking at the IMO and the IAEA to advise us on this.

*(PQ No. B/557 - See Written Answers to Questions)*

### **FLACQ HOSPITAL - NEW WING - CONSTRUCTION**

**(No. B/558) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the Minister of Health and Quality of Life whether, in regard to the Flacq Hospital, she will state if the construction of the new wing is completed and, if so, when will it be operational.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the construction of the new block was completed on 28 February 2011 and the commissioning of the building will be completed by end of June this year.

It is expected that the new block will be partly operational in July 2011 and fully operational in November 2011.

**Mr Khamajeet:** Can I ask the hon. Minister where matters stand as regards equipment to be used in the new wing, if they are already available?

**Mrs Hanoomanjee:** In fact, the bidding documents for the procurement of the furniture have already been launched and we are waiting for procedures to be completed.

**Mr Khamajeet:** Can I know from the hon. Minister the different departments that the new wing will house?

**Mrs Hanoomanjee:** In fact, it is a ground floor and three-floor building. At ground floor, we will have the neonatal nursery; first floor, the male and the female cardiology ward; second floor, the male orthopaedic ward and third floor, the male medical ward.

### MITD - RECRUITMENT

(No. B/559) **Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Education and Human Resources whether, in regard to the persons recruited at the Mauritius Institute of Training and Development during the year 2010, he will give a list thereof, indicating in each case the –

- (a) name;
- (b) residential address;
- (c) post for which the person was recruited, and
- (d) date of recruitment.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, the list is being compiled and will be laid on the Table as soon as possible.

**Mrs Ribot:** Mr Deputy Speaker, Sir, I would like to know from the hon. Minister how is it that general assistants recruited last have been placed on the permanent and pensionable establishment right away contrary to those instructors and training officers who had been on contract for 10 consecutive years?

**Dr. Bunwaree:** I will need notice of this question. I will look into the matter.

**Mr Bérenger:** The hon. Minister says that the names, addresses and so on are being compiled. The rumour has it that a majority of those employees were recruited from the Minister's constituency. I am sure he has had the occasion of looking at that. Is it a fact or not?

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, I am suing the people who mentioned it outside. This has been said outside, but I am happy that the hon. Leader of the Opposition is raising the matter here. It is a fact that, in certain constituencies, there have been schools coming up for the first time in 2010. There is one in Union Vale in my Constituency, there is

the New Bel Air Training Centre and one in Goodlands. When we look at the list which should be on the Table, we will definitely see constituencies around the place where schools have been coming up. We cannot ask people to travel all over the country to come and work as general workers, etc. I am again saying that I am taking serious legal action against all those people who have spoken outside and mentioned these things.

**Mr Bérenger:** Is it a fact that a majority of those employees come from his constituency?

**Dr. Bunwaree:** I have explained that I am suing those people who made these allegations. But I have also explained that there will be, of course, more people from constituencies around the place where the schools have come up.

**Mr Obeegadoo:** Can the hon. Minister indicate how many general workers or general assistance were recruited in that one year 2010?

**Dr. Bunwaree:** The list is being compiled. In fact, I have been given a list, but I prefer not to lay it today because when I look at the list, I have found that one case has been mentioned where the address is Rivière des Creoles, Mahebourg. Rivière des Creoles is in Constituency No. 11; Mahebourg is in Constituency No. 12. Definitely, I have to look at the list before laying it on the Table.

**Mrs Ribot:** M. le président, j'aimerais savoir du ministre quand et où l'avis d'appel de candidature a été publié?

**Dr. Bunwaree:** I have been told that everything has been done according to procedures. I mentioned it here, I will stick to that. If the hon. Member has a specific question or she has noticed any irregularity, of course, I will give the information.

**Mr Obeegadoo:** My question is very simple. While the hon. Minister was in post at that Ministry in 2010, recruitments took place. He must surely be aware what the procedure was for this recruitment. Was there a call for applications public?

**Dr. Bunwaree:** Procedures have been followed as they are supposed to be followed. I cannot go outside that.

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

## MOTION

### SUSPENSION OF S.O 10(2)

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

**The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Mr P. Jugnauth) rose and seconded.**

*Question put and agreed to.*

## **PUBLIC BILLS**

### *First Reading*

*On motion made and seconded the Road Traffic (Amendment) Bill (No. XIV of 2011) was read a first time.*

*At 4.13 p.m., the sitting was suspended.*

*On resuming at 4.49 p.m. with Mr Speaker in the Chair.*

### *Second Reading*

## **THE INTERNATIONAL CRIMINAL COURT BILL**

**(No. XXIII of 2010)**

*Order for Second Reading read.*

**The Attorney General (Mr Y. Varma):** Mr Speaker, Sir, with your permission, I move that the International Criminal Court Bill (No. XXIII of 2010) be read a second time.

Mr Speaker, Sir, the objects of this Bill are -

- (a) to provide for the effective implementation of the Rome Statute of the International Criminal Court in the laws of Mauritius;
- (b) to provide for the jurisdiction of our Courts to try persons charged with international crimes, and
- (c) to prescribe the procedure for the surrender of persons to the International Criminal Court (ICC) and for other forms of cooperation with that body.

The Rome Statute of the International Criminal Court was adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of the International Criminal Court, following intensive international efforts and negotiations. Indeed, Lord Bingham, in his book entitled “The Rule of Law”, pays tribute to Gustave Moynier, one of the founders of the International Committee of the Red Cross, who, in 1872, urged the establishment of an international criminal court to adjudicate on violations of the 1864 Geneva Convention on Treatment of the Wounded.

The Rome Statute provides for the establishment of the International Criminal Court or “ICC”, which is the first permanent treaty-based international criminal court with the power

to exercise jurisdiction over persons who have committed the most serious crimes of international concern: genocide, crimes against humanity, war crimes and the crime of aggression.

Mr Speaker, Sir, I wish to pause here to spell out very clearly the limitations to the jurisdiction of the ICC.

First, there is a temporal limitation to the ICC's jurisdiction, that is, the ICC may only exercise jurisdiction with respect to crimes committed after 01 July 2002, the date the Rome Statute came into force.

Second, there is a territorial limitation to the ICC's jurisdiction, that is, the ICC may only exercise jurisdiction if the crime took place on the territory of a State Party or a State otherwise accepting the jurisdiction of the Court. Where the crime took place on the territory of a State which is not party to the ICC Rome Statute, the ICC may only exercise jurisdiction where the accused is a national of a State Party or a State otherwise accepting the jurisdiction of the Court.

Third, and importantly, the ICC's jurisdiction is limited by the principle of "complementarity", which gives priority to national courts over the ICC. In other words, the ICC is barred from exercising jurisdiction over a crime whenever a national court asserts its jurisdiction over the same crime. The ICC can only act where the State is unable or unwilling genuinely to carry out the investigation or prosecution and the case is of a sufficient gravity to justify the exercise of the ICC's jurisdiction.

Mr Speaker, Sir, of course, the principal motivation behind complementarity is not only the intent to respect State sovereignty as much as possible, but that it is ultimately the duty of each and every State to exercise its criminal jurisdiction over those responsible for unimaginable crimes or atrocities which deeply shock the conscience of humanity. And if we are to combat impunity for these heinous crimes, and if we are to eliminate safe havens for fugitives, measures ought to be taken at national level to ensure that criminals can effectively be brought to justice.

Mauritius having, on 11 November 1998, signed the Rome Statute and, on 05 March 2002, ratified the Statute, it is now our responsibility to fully meet our international obligations and ensure full implementation of the Rome Statute, for Mauritius, Mr Speaker, Sir, should never be considered to be unwilling or unable to prosecute those responsible for these heinous crimes.

Mr Speaker, Sir, clause 3 of the Bill accordingly provides that the Rome Statute shall have force of law in Mauritius, while clause 4 of the Bill fills an important lacuna in our law



by providing that international crimes, that is, Crimes against Humanity, War Crimes, Genocide and ancillary offences shall be offences punishable by penal servitude for a term not exceeding 45 years. I pause here to stress that the Crime of Aggression, that is, the illegal use of force of one State against another, has not been incorporated in the Bill. This is because the ICC cannot presently exercise jurisdiction over this crime until at least 01 January 2017, as decided by the plenipotentiaries at the Review Conference which was held in June 2010 in Kampala, Uganda.

Clause 4 (3) of the Bill provides for our Courts to have, in prescribed circumstances, extraterritorial jurisdiction to try a person who has committed an international crime outside Mauritius. These circumstances will include situations where the perpetrator or victim is a Mauritian national or a person ordinarily resident in Mauritius.

Clause 5 of the Bill provides that it shall not be a defence for a person charged with an international crime to plead that he had no responsibility for the crime if the crime was committed by forces under his effective command and control, or, as the case may be, his effective authority and control, as military commander, or a person effectively acting as a military commander, and there was a failure to exercise proper control over those forces. Moreover, it shall not be a defence for any other person to plead that he had no responsibility for the crime if the crime was committed by subordinates under his effective authority and control as a superior, and that there was a failure to exercise proper control over those subordinates.

Further, clause 6 provides that it shall not be a defence to an international crime nor a ground for a reduction of sentence for a person convicted of that offence, to plead that he is or was Head of State, a member of a Government or Parliament, an elected representative or a government official of a foreign State.

Clause 7, for its part, provides that acts in relation to any proceedings before the ICC such as giving of false testimony, interfering with the attendance or testimony of witnesses, intimidating or retaliating against officials of the ICC will constitute offences. Such offences shall however be subject to a period of limitation of five years from the date on which the offence was committed, unless during that period an investigation or a prosecution has been initiated.

Clause 8 of the Bill which deals with the jurisdiction of our Courts over offences, provides that a prosecution for an international crime under clause 4 or an ancillary offence (that is, an attempt or an act of complicity) shall take place before a Judge without jury, while prosecution for the offence of contempt of the ICC shall take place before the Intermediate

Court.

By virtue of clause 9 of the Bill, the ICC may sit in Mauritius, in such place as may be appointed by the President following a request of the ICC. Mr Speaker, Sir, I will be moving for an amendment at committee stage to delete sub clause 4 from clause 9 of the Bill. The ICC shall have such immunities and privileges as may be necessary to enable it to perform its functions in Mauritius. The Judges, the Prosecutor, the Deputy Prosecutors and the Registrar of the ICC, when performing their functions in Mauritius, shall be immune from the criminal and civil jurisdiction of the courts of Mauritius, and shall enjoy such immunities and privileges as are accorded a representative of another State or Government under the Diplomatic Relations Act. As for the Deputy Registrar and the staff of the ICC, they shall enjoy such privileges and facilities necessary for the performance of their functions in Mauritius, as may be prescribed.

Part IV of the Bill, that is, clauses 11 to 20, makes provision for cooperation with the ICC in relation to the arrest and surrender of persons for whom a warrant of arrest has been issued by the ICC. Clause 14 deals with situations where the execution of a request for the arrest and surrender of a person may be in conflict with the obligations of Mauritius to a foreign country under international law or international agreements referred to in article 98 of the Statute. The rights of the person detained, in respect of an inquiry under this Part, are also provided for in clauses 15 to 17.

Part V of the Bill, that is, clauses 21 to 31, deals with cooperation and judicial assistance. In accordance with clause 21, Mauritius shall, subject to any other enactment and the Statute, cooperate with and render assistance to the ICC in relation to investigations and prosecutions in the 12 areas listed in that clause. Pursuant to Part II of the Bill, the ICC will have to be informed of any proceedings undertaken in Mauritius.

Under clause 22, the ICC may also request assistance in obtaining evidence in Mauritius for use before the ICC, and the request may be executed in accordance with clauses 23 to 25 of the Bill. However, pursuant to clause 27, nothing shall require or authorise the production of a document or the disclosure of information, which would be prejudicial to the security of Mauritius. A certificate by or on behalf of the Prime Minister to that effect will be conclusive evidence of that fact. Provision is also made in clauses 28 and 29 for securing the attendance of persons in Mauritius, and for the transfer of a prisoner in Mauritius into the custody of the ICC, for the purpose of giving evidence or assisting in an investigation.

Clause 30 of the Bill provides that a request may also be made to the ICC for assistance in an investigation into, or trial in respect of, conduct that may constitute an international

crime within the jurisdiction of the ICC, while clause 31 of the Bill makes provision for consultations with the ICC in relation to the execution of a request.

The ICC may request other forms of assistance, which are provided for under Part VI of the Bill. These other forms of assistance include the enforcement or recovery of a fine, the enforcement or execution of an order for forfeiture, effecting the service of any process or document, registration of a sentence, a compensatory order or a forfeiture order, the execution of an order for the payment of compensation for damages, or entering and searching of premises, the search of a person and the seizure of a book, document or object that has a bearing on a crime or an offence committed within the jurisdiction of the ICC.

Part VII of the Bill provides for the enforcement of sentences of imprisonment imposed by the ICC in Mauritius, while Part VIII provides, *inter alia*, for agreements that may be entered with the ICC and their revocation.

Mr Speaker, Sir, genocide, crimes against humanity and war crimes have resulted in millions of children, women and men being victims of unimaginable atrocities. These crimes also threaten the peace, security and well-being of the whole world. They cannot be allowed to go unpunished.

Mauritius has, at international fora, including the United Nations General Assembly and at the ICC Review Conference, reiterated its unflinching commitment to the ICC and to combating impunity for grave human rights violations. Further, recognising that children require special protection during times of armed conflict, Mauritius has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Mr Speaker, Sir, the reality is that the African continent has not been spared by bloody conflicts which have resulted in gross human rights violations against civilian populations. In fact, all of the six situations currently in front of the ICC have arisen from our Continent. That is not to question Africa's commitment to international criminal justice at all, but rather, on the contrary, it can be seen more as a testament to the Continent's resolve to end impunity. Indeed, the situations in Uganda, the Democratic Republic of Congo and the Central African Republic were all referred to the ICC by the countries themselves.

Like many countries on the Continent, Mauritius remains fully committed to combating impunity and ensuring justice for victims of the gravest crimes, as it has often been asserted in international fora, including the United Nations General Assembly and at the ICC Review Conference. Further, recognising that children require special protection during times of armed conflict, Mauritius has ratified the Optional Protocol to the Convention on the Rights

of the Child on the involvement of children in armed conflict.

However, the weakness of African countries has been the slow implementation of the Rome Statute within their jurisdictions, which has meant not only that countries have been unable to prosecute the most heinous crimes themselves, but have been unable to give full assistance to the ICC to enable it to do so.

In February this year, following reports of violent repression of peaceful demonstrators in Libya and gross and systematic violation of human rights taking place against the civilian population, resulting in many cases in their deaths, the United Nations Security Council referred the situation in Libya to the Prosecutor of the International Criminal Court for investigation. On 16 May, a few weeks ago, the Prosecutor applied to the Court for the issue of arrest warrants against Muammar Gaddafi, his son and his brother-in-law, as there were reasonable grounds to believe that they had, as indirect perpetrators, committed crimes against humanity.

Mr Speaker, Sir, it is clear that implementation of our obligations under the Rome Statute was long overdue. This Bill will enable Mauritius to honour its international obligations, to exercise criminal jurisdiction over those responsible for the crime of genocide, crimes against humanity and war crimes, and to cooperate and assist the ICC when the need arises. It also sends the strongest message that our shores will not provide a safe haven to fugitives, and that we stand ready and committed to promoting the international rule of law and rendering justice to all victims of these heinous acts.

I would wish, before I end, to place on record my sincere thanks to Sir Victor Glover (our Legal Consultant), the Legal Adviser of the International Committee of the Red Cross, and the organisation “Parliamentarians for Global Action” for the assistance they have provided to my Office in the drafting of this Bill.

May I end by quoting President Oscar Arias of Costa Rica, Nobel Prize Winner in 1987. I quote -

“Peace is a never-ending process, the work of many decisions by many people in many countries. It is an attitude, a way of life, a way of solving problems and resolving conflicts. It cannot be forced on the smallest nation or enforced by the largest. It cannot ignore our differences or overlook our common interests. It requires us to work and live together.”

Mr Speaker, Sir, the crimes provided for in the Rome Statute are fortunately not of direct relevance to Mauritius, but we owe it to humanity to ensure we are not a weak cog in the chain of international criminal justice.

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

**Dr. A. Boolell rose and seconded.**

**(5.10 p.m.)**

**The Leader of the Opposition (Mr P. Bérenger):** Mr Speaker, Sir, we are for this Bill and it could hardly be otherwise, since Mauritius signed the Rome Statute on 11 November 1998 when the present Prime Minister was Prime Minister and the Labour Party was leading Government, but it was ratified on 05 March 2002 when the MMM and the MSM were in Government. Therefore it is hardly surprising that we support this Bill which means retranslating to our local legislation the provisions of the Rome Statute.

Mr Speaker, Sir, in most countries ratification of international conventions, of statutes, of treaties and so on, is done by the National Assembly and not by Cabinet as is the case here in Mauritius. If it had been the case when the Rome Statute was adopted we would have had - on the occasion of the ratification process here, in the National Assembly - the opportunity of debating fully the statute itself, the International Criminal Court itself. Today is the occasion to do that.

I take this opportunity to say that we should provide that it is the National Assembly that ratifies international treaties, conventions, statutes and all. It is the only way of getting the whole country, not only interested, but on board when the time comes to implement such international statutes, Mr Speaker, Sir. The coincidence has it that last week only Maldives Parliament ratified, by a vote of 61-for and 3-against the Rome Convention.

The setting up of the International Criminal Court, Mr Speaker, Sir, was truly *un événement historique; d'une portée historique et d'une importance historique*, M. le président although, as the hon. Attorney General reminded us, the concept of complementarity applies, that is, it is only when National Courts are unable or unwilling to investigate or prosecute, it's only then, that the International Criminal Court comes in. Rightly so, Mr Speaker, Sir! I also heard the hon. Attorney General say that the International Criminal Court has been set up to deal with genocide, crimes against humanity, war crimes, and he added that of aggression. In fact, it is an unfinished business. Things, as far as I see, are perfectly clear, as far as genocide is concerned; crimes against humanity and war crimes, the situation is clear but the exact definition of aggression is still work in progress, as I said, Mr Speaker, Sir.

I also would wish to remind the House that some people had canvassed that the ICC should be able to deal not only with those four crimes but also with terrorism and drug trafficking. It is not on yet. We don't know if it will come back to be of interest to us, Mr

Speaker, Sir. There is another aspect of the International Criminal Court which I did not hear the hon. Attorney General refer to; it's the deferral clause, that is, the Security Council can defer the implementation of a decision taken by the International Criminal Court. This has been referred to in the case of Sudan and other cases as well. It's a very tricky international instrument but I believe that it is right that it is provided; that there can be a deferral of twelve months renewed indefinitely. In the case of President Basher of Sudan this has not been put into practice, Mr Speaker, Sir. As the hon. Attorney General reminded us it is in July 1998 that the statute was adopted by the United Nations by a vote of 120-for, 7-against and 21 abstentions.

History has it on record that amongst the seven who voted against were to be found the United States, China, Israel. India abstained on the occasion of that vote. It is also of interest to note that among those who are still out, those who still have not ratified the Rome Convention, we find the United States, China, India, Pakistan, the Seychelles, and the Maldives but they ratified last week, Mr Speaker, Sir. Among those who signed only and have not yet ratified, we find our neighbour Mozambique - *pays frère*, Russia and Egypt. I am sure that the new regime in Egypt will not take long to ratify the Rome Convention. The Rome Convention became binding in April 2002 when a total of 60 countries completed the ratification process and the first arrest warrant was issued in July 2005, Mr Speaker, Sir. The case of the United States is interesting. As I said earlier, they voted against in July 1998; President Clinton signed and President Bush Junior, whatever that means, unsigned what President Clinton had signed. It is positive to note that President Obama has reengaged the United States but with lot of resistance in Congress, Mr Speaker, Sir.

I think it is worth pointing out that we are called upon to introduce into our local legislation the provisions of the Rome Statute at a time when the African Union - to which we belong - is picking a quarrel with the International Criminal Court. Although, 30 out of 53 African countries have ratified, but these days, '*z'affaire pas bon*', as we say; things are very nasty with a lot of accusations and allegations flying all over the place. The African Union accuses the International Criminal Court of bias against Africa. As we know - I think the hon. Attorney General mentioned it - there are three ways that a crime can reach the International Criminal Court; if the Government of a given country itself refers it to the International Criminal Court; if the Security Council of the United Nations refers it and none of the big five veto it; and thirdly, which is progress, *un grand pas en avant*, if the Human Rights Council in Geneva refers a given crime to the International Criminal Court. The fact is - as the hon.

Attorney General said - that three of the African cases that have ended up at the International Criminal Court have been referred by the African Governments concerned themselves.

I think a lot of unfair accusations of bias are being levelled at the International Criminal Court these days, but, one thing I will grant, there have been several serious *faux pas* of the Prosecutor, Mr Moreno Ocampo. I won't go into detail, being given that his term in Office ends in 2012 - *derrière la porte*. He has done a lot of good work. There have been a few *faux pas* but he has done a lot of fantastic work. One question which Mauritius needs to put to the whole country, to our National Assembly is: what next? When the time will come - *derrière la porte* - in 2012 to elect, to choose a new Prosecutor, we should take the lead - *selon nos moyens évidemment*, but through SADC, through the African Union.

To clear the air as far as all these accusations are biased, we should try to help and find an African candidate that could be presented by SADC, by the African Union to take over from where Mr Ocampo has left. One question that I would like to ask the hon. Prime Minister is – I am glad to see that he is present when we are discussing the International Criminal Court - we have signed, we have ratified, today we are providing in our legislation the provisions of the Rome Statute. Would we arrest somebody who has been condemned by the International Criminal Court? I think there must be a clear yes to that. We can't ratify such an important piece of legislation and then turn our heads if the time comes to arrest somebody, whoever that be, who has been found guilty by the International Criminal Court. I think that it is good to send that signal so that no one will try to negotiate diplomatically or otherwise. We should send a strong signal that Mauritius not only has ratified and today, is translating into our legislation, the provisions of the Rome Statute, but that we will also implement all its provisions, Mr Speaker, Sir.

I heard the Attorney General say that these days, *ce qui est d'actualité*, there is the involvement of the International Criminal Court in Libya, but there is also Côte d'Ivoire. I wouldn't be surprised if, in the near future, there is also Sri Lanka because the way the Civil War ended in Sri Lanka, some time back, has raised a lot of questions and it is certainly *d'actualité*. Libya, Côte d'Ivoire, Sri Lanka, closer to us, there is the case of *la communauté des Chagossiens*. It has been suggested very seriously that a case could be brought before the International Criminal Court against the United Kingdom for crime against humanity started in the past, but the deportation of the Chagossian community is ongoing. I believe it can be argued that there is an ongoing crime against humanity in the way London has treated the Chagossian community. I hope we don't reach that bridge, Mr Speaker, Sir. I hope that sense prevails in London and that we move forward without having to look in that direction.

Today, we are approving legislation as the Explanatory Memorandum says and the hon. Attorney General said. The objects of the Bill are to provide for the effective implementation of the Rome Statute of the International Criminal Court in the laws of Mauritius and to ensure the fulfilment of the obligations of Mauritius under the Statute, including, as I said, the eventual arrest of anybody coming to Mauritius after having been found guilty by the International Criminal Court.

Mr Speaker, Sir, the Rome Statute was signed by Mauritius in November 1998, ratified on 05 March 2002 and today, we'll reach the final stage of translating into our local legislation, its provisions. Therefore, it took four years to ratify and then eleven years to bring legislation before this august Assembly, but, as we say, better late than never. *Mieux vaut tard que jamais.*

We now - and I shall end on this note, Mr Speaker, Sir - have the duty to keep ourselves fully informed about the activities and the findings of the International Criminal Court and to assist the International Criminal Court in its actions including in regard to the African Union.

Thank you, Mr Speaker Sir.

**(5.25 p.m.)**

**The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):**  
Mr Speaker, Sir, it is indeed a very important day today when one looks at the details of the Bill and one hears the explanations given both by the hon. Attorney General and the hon. Leader of the Opposition on the details contained in the International Criminal Court Bill.

I would like to start by quoting the former Secretary-General of the United Nations, Mr Kofi Annan particularly on this issue of a crime against humanity. I quote -

“For nearly half a century, almost as long as the United Nations has been in existence, the General Assembly has recognised the need to establish such a Court to prosecute and punish persons responsible for crimes such as genocide. Many thought that the horrors of the Second World War, the camps, the cruelty, the exterminations, the holocausts could never happen again and yet they have in Cambodia, Bosnia-Herzegovina and Rwanda. Our time, this decade, has even shown us that man’s capacity for evil knows no limits. ‘Genocide’ is now a word of our time too, a heinous reality that calls for historic response.”

When one goes through those words, Mr Speaker, Sir, and one looks at what is happening in the world as we speak today; how the International Criminal Court has been involved in so



many cases, the world over. As we know, the Court has opened investigations ever since its existence into six situations. The Democratic Republic of Congo, Uganda, the Central African Republic, Darfur, Sudan, the Republic of Kenya and recently the Libyan Arab Jamahiriya.

When one looks at the news and at the footage of what is happening in those countries - where really we have never seen this in our country: crime against humanity, people suffering, the whole movement of people being forcibly moved out of certain territories, deportations, genocide, then we come to the following conclusion that yes, for Mauritius also it is indeed a historic day today. It is a historic day because, as we speak, Mr Speaker, Sir, murder is indeed a crime in Mauritius today. Arson is a crime; rape is a crime, but with the coming into operation of this particular piece of legislation, we will be proud enough to stand and say: 'yes, we have now become a mature democracy', and it is because of this maturity in our democracy that we are ready to implement what we have ratified in 2002 and what we have signed in 1998. Years and years have passed and we achieved this maturity that has brought us to a situation where we can now implement. Tomorrow, with the commencement of this Bill as soon as it is proclaimed, murder will not only be a crime that we will punish when it comes to one man being murdered; rape will no longer be a crime where we will punish for rape against an individual, but it will be, as I have read, Mr Speaker, Sir, a crime against humanity; one that takes these violations and amplifies them, targeting not just individuals, but entire communities and peoples.

A crime against humanity is one that offends our dignity as a people because it is driven by the deliberate decision to deny people their fundamental rights and abuse their basic dignity. Now, we have achieved this maturity, as I have said, and come to a point in our history where we can stand up and join the Brethren of the International Community, those who have at least joined forces to stand behind our belief in the need for an international Body that will be able to judge violations against mankind, humanity and dignity.

Now we can get together and say we belong to this group that believes that we should condemn wrongdoings against people. True it is, when we hear the hon. Leader of the Opposition speaking, that there are certain States that have decided otherwise as Israel, United States. Even though President Obama may be showing signs of a different inclination, the fact remains that President Obama has not, as we speak today, yet signed or re-entered this particular brethren of countries that believe in the need for such a unique united body that would condemn crimes against humanity. At the same time, when the United States of America did pull out from being a member, the State of Israel also pulled out from being a member. True it is, there have been calls by various countries to say that terrorism or even

drug trafficking should form part of the issues dealt with by the ICC, but there have been differences by various countries as to what interpretation to be given to the issue of terrorism. Once upon a time, people were revolutionaries certain countries said, and now we call them terrorists. What is the difference between a terrorist and a revolutionary because of those differences in interpretation, then there was no consensus on this particular issue. I feel that it will take a lot more time before we are to reach a situation whereby issues like terrorism or even drug trafficking is taken on board. Mr Speaker, Sir, when one looks at clause 5 as covered in the Bill brought in by the hon. Attorney General: crime of genocide, crime against humanity, war crime, crime of aggression even clause 7 - to come back to the issue referred to by the hon. Leader of the Opposition - deportation of the people, these are issues which are covered by the Rome Statute of the International Criminal Court. I believe that once again it is a sign of us becoming a mature democracy when we see that there is this consensus between the Opposition and Government on matters of such a national and international importance. I believe that we are here to help any people, even the Chagossians at some stage, as being suggested, this will have to be explored and looked into.

I would like here to end by saying congratulations to the hon. Attorney General and before concluding, I would like to also here quote José Ayala-Lasso, former United Nations High Commissioner for Human Rights -

“A person stands a better chance of being tried and judged for killing one human being than for killing 100,000.”

With this Bill and with its coming into force, this will no longer be the case in our mature democracy.

Thank you.

**(5.34 p.m.)**

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Mr Speaker, Sir, as rightly pointed out by the hon. Leader of the Opposition, of course, we are in agreement with this Bill. However, as we know, Mr Speaker, Sir, generally speaking, the International Criminal Court exercises its jurisdiction only when the national courts are unwilling to do so or in other situations as explained by the hon. Attorney General and the hon. Leader of the Opposition. What this Bill does today? It does mainly two things. One, it gives jurisdiction to our local court to try crimes we have classified as crimes against humanity as listed in the Schedule of the Statute and an additional one which is listed in Schedule 1. This Bill gives our courts, the Intermediate Court and the Supreme Court

jurisdiction to hear certain cases. The other thing this Bill does is to allow the ICC to come and sit in Mauritius if they so choose.

I will limit my intervention only on the first part. For the second part, I understand that the prosecutors, the defence will have all the immunity and all the facilities will be put at their disposal whenever the ICC intends to come to Mauritius. My intervention will be more of a question type and I am glad that the hon. Prime Minister is here. He is responsible for the Judiciary. He can clarify certain issues. If one is tried at the ICC, there are three trials stages: the pre-trial division, the trial division and the appeals division. In this Bill presented in this House today, I see nothing about these divisions. When we talk about jurisdiction, we give powers to the Intermediate Court to try certain offences and, of course, the Supreme Court, to try more serious offences as clearly stated in clause 8 of the Bill.

My question will be: when we come to the Intermediate Court normally the Presiding Magistrate decides whether to have one, two or three Magistrates to try the case depending on the seriousness of the offence according to our law. What about the pre-trial, trial and appeal divisions? There is no mention in this Bill. Last week we voted a Bill where we removed the rights to a preliminary hearing in criminal matters so I would like to know what will happen to the three stages which are guaranteed in the Statute: the pre-trial, the trial and the appeals divisions.

My second question is regarding the Supreme Court. We are going before one Judge without a Jury. This is one of the main criticisms of certain countries against the ICC. They feel that one should be tried by one's own peers, that we should have a Jury. Now we have decided to go before one Judge only. If one commits one murder in Mauritius, he goes before a Judge and Jury, but if he commits mass murder he goes before a Judge - only one Judge when we know that in the ICC, for many reasons, especially for security reasons, and not to put much pressure under one judge, they sit in a bench of three. You have the Presiding Judge and two other Judges. My question is: why do we go only before one Judge when, of course, we know the Supreme Court does sometimes sit, in certain constitutional matters, with three Judges or, even sometimes, a full bench of five Judges. We have had the opportunity to have cases. When we are trying such important cases in our court, should we leave it to one Judge or several Judges or why not go to a Judge and Jury? This is another point I want to make.

There is also the issue of drug trafficking. I can understand that there are debates, because we have add in Schedule I other offences which are not listed in the Statute, on the definition of terrorism, but for drug trafficking, we have a definition already. I can understand that there are debates about the definition of terrorism, but for drug trafficking we have a

definition already. Probably, we could have put it in our list, because many countries feel that they are using drug as a weapon to win over territories, therefore, we have thought about putting drug trafficking as one. Now there are other rights which are in the Statute and which concern the rights of victims. We know that the victims have certain rights and in that Bill there is mention of rights of victims, but what is the cadre for the victims? How do we protect these victims? Do we have a specific court where the victims are allowed to depone in camera, where they do not want to face their tortfeasors or their criminals or their accused?

One important issue we have to look at and which we are facing already at the Supreme Court level is the question of interpreters. Very often, especially in drug cases, when we have foreigners coming from different countries, the Supreme Court is supposed to have a list of qualified interpreters, but this does not exist. Very often, the prosecutor had recourse to people who either work in the Police Force itself or who use to work for the Police as we do not have a list of interpreters. This will be very important in cases of international crimes, because the accused has not only to be made aware of what charge there is against him, but he should be able to follow the trial. He is presumed to be innocent; he should be able to follow the trial, and the inquiry, most importantly, because you cannot have a fair trial if you do not have a fair inquiry. This is why at the inquiry level we should ensure that we have the interpreters we need.

There is also the question of whether our court is equipped. Is it going to be our Supreme Court or are we going to have a specific court, because we are talking of crime of international level. It has to be digital recording; it needs to have access probably to the press. We already know that our Supreme Court is overload. There is no doubt about that, we know it is overload and this is one of the main reasons why Government, at least, give the DPP only discretion for preliminary inquiries. We want to have quick justice. Fair, but are we equipped? These are questions which we will have to answer otherwise we will put ourselves in a situation - because the Statute talks of early trial and quick justice, not long trial which will be delayed. Are we equipped at this level, at least, to entertain these cases? These are the questions which I wanted to put and I hope that, in his summing up, the hon. Prime Minister will clarify certain issues.

Thank you, Mr Speaker, Sir.

**(5.43 p.m.)**

**The Minister of Foreign Affairs, Regional Integration and International Trade (Dr. A. Boolell):** Mr Speaker, Sir, let me, at the outset, commend our colleague, the hon.

Attorney General for introducing the International Criminal Court Bill in the House. This is a testimony of our firm commitment to fully meet our objective under the article 28 of the Rome Statute.

Of course, this is a Bill that has gone into several processes and it is good to remind ourselves that there is a lot of diplomatic effort and compromises that have gone into making this international instrument a reality, and the signals that we send rest on the philosophy underlying the Rome Statute, that is, the object is not only to bring to justice those perpetrators of atrocious crimes under the international law, but also to serve as a reminder to would-be perpetrators that they will be accountable for their atrocious crimes. Already the International Criminal Court has shown its determination to bring to justice perpetrators of genocide, crime against humanity and war crimes.

The hon. Prime Minister, in his address to the 64<sup>th</sup> United Nations General Assembly in 2009, clearly and forcefully spelt our strong commitment to the International Criminal Court. His speech was well received, more so when he highlighted the genocide committed by the Myanmar Government. My colleague, the Attorney General, reiterated our commitment last year at the Kampala International Criminal Court Review Conference.

The establishment of the ICC is one of the most important developments in international law. It is indeed a significant step for a mature democracy like Mauritius to step in and wage war to end impunity for the gravest crime.

The ICC is the first treaty-based, international criminal tribunal to be set up on a permanent basis to prosecute perpetrators of the most serious crimes of international concern, namely as have stated earlier, war crimes, crimes against humanity and genocide, has been stated by the Leader of the Opposition and my good friend, hon. Shakeel Mohamed, Minister of Labour, Industrial Relations and Employment.

Human history is unfortunately replete with examples of horrendous cruelties and aggressions. During the last century, there were the Holocaust, mass killings by the Khmer Rouge, the genocide in Rwanda, just to name a few. More recently, there have been the onslaught of people in the Gaza part of Palestine committed by Israel and these were indiscriminate attacks against civilians and we are seeing these gross and systematic human right violations in Libya, with the result that even today rape has become a weapon for crime against humanity.

In the past, there were *ad hoc* tribunals, Mr Speaker, Sir, like the Nuremberg Trials and the International Criminal Tribunal for Rwanda, had been established to deal with some of these atrocities, but they were *ad hoc* tribunals which helped pave the way for the

establishment of the International Criminal Court and they had limitations. These tribunals were viewed as inconsistent and practising selective justice since they were created to deal with a particular situation. They could not therefore be an effective means of deterring future criminals.

Unlike the *ad hoc* tribunals, the jurisdiction of the ICC is not restricted to dealing with crimes committed only in one specific conflict or by one specific regime during one specific time period. The jurisdiction of the court extends to crimes committed on the territory of State Parties to the Rome Statute of the ICC and non-State Parties having accepted the jurisdiction of the court as well as to crimes committed by their nationals.

The Court, as has been stated, has also jurisdiction over crimes committed in a situation which has been referred to it by the United Nations Security Council. In view of the serious violations of international humanitarian law and human rights law committed in Darfur, the Security Council decided in March 2005 to refer the situation in Darfur since 01 July 2002 to the Prosecutor of the ICC. Two arrest warrants have subsequently been issued against the President of Sudan for war crimes, crimes against humanity and genocide. This is the first time that that arrest warrants have been issued by the ICC against a sitting Head of State.

On 26 February 2011, the Security Council unanimously adopted a resolution, referring the situation in Libya, since 15 February 2011, to the Prosecutor of the ICC. Following a preliminary examination of available information, the ICC has reached the conclusion that an investigation is warranted. On 03 March, decision was taken to open an investigation and, on 04 March, the Presidency of the ICC has decided to assign the situation in Libya to the Pre-Trial Chamber.

It is evident from the case of Libya that, with the coming into existence of the ICC, atrocities committed against innocent civilians can be addressed promptly. There is no doubt that the court also enables the most serious international crimes to be dealt with in a more consistent manner.

The ICC initiates, as we have been told, an investigation on the basis of either the UN Security Council referral or a State referral or the Prosecutor's own motion. The Court is currently investigating situations in Sudan, Uganda, the Democratic Republic of Congo, the Central African Republic, and Kenya. Let me take the case of Kenya. In Kenya, Mr Speaker, Sir, the Minister of Finance is subject to investigation by the ICC on alleged violence committed during pre and post electoral period and Mr Uhuru Kenyatta is a possible candidate for the Presidency of the Republic of Kenya. As you know, internal problems are cropping up, more so since the issue rests also upon the issue of ethnicity. They are waiting

for the Prosecutor to pronounce himself on this very delicate issue; otherwise, there is the risk that Mr Uhuru Kenyatta would not be able to stand as candidate and he would be debarred from doing so.

Mr Speaker, Sir, it is an issue that is very sensitive but, at the same time, it gives an opportunity for those upon whom there are alleged accusations to stand up and put their case across very forcefully. For example, let me take the case of the deposed President of Madagascar on whom there were accusations of crimes against humanity, in the light of the violence that took place. He has appealed to the Prosecutor to investigate those cases. I am not saying that the Prosecutor will pay heed to his advice, but this is a circumstance where a former Head of State has appealed to the Prosecutor. It is not because they are not signatory; that does not stop the Prosecutor from carrying out an investigation, although one may argue that it is an issue that the UN Security Council or the General Assembly has to agree to. But I am saying this is what he has done. As to whether there is a merit in his case or not is a matter that can be discussed endlessly.

We know of several cases, Mr Speaker, Sir. Let me take the case of the butcher of Srebrenica, Mladic, who has been arrested and certainly will be brought to justice. There is the case of Charles Taylor, who is now standing trial before the special court for Sierra Leone. There was even one chap, a national of Croatia suspected of war crimes, who was arrested after being on the run for four years, and one of the countries he visited using a fake passport and a false name was Mauritius, Mr Speaker, Sir. I think we are right to introduce this legislation; it has its purpose, it is going to serve, and it is a signal that we are sending to the international community.

The hon. Leader of the Opposition rightly pointed the appeal made by the AU to the UN Security Council to defer, under Article 16 of the Rome Statute, an investigation or prosecution, and that was made in the interest of maintaining international peace and security. Or course, I have in mind the international warrant served on the President of Sudan. At the time when there were ongoing discussions in respect of a general peace agreement, the AU has appealed to the Security Council to defer that case until the matter is resolved in the interest of peace and security. Of course, the appeal fell on deaf ears. It is this clause that the African Union has evoked to seek, as I have said, a postponement of proceedings initiated against the Sudanese President, but, of course, the request for deferral has not been acted upon by the Council.

Mr Speaker, Sir, as we have said, the perpetrators of the most serious crimes have gone unpunished, and the most wronged victims have been denied justice. The setting up of the

ICC signals, as we say, a break from the unfortunate past. The Court serves as a permanent reminder to any potential perpetrators of war crimes, genocide or crimes against humanity that they should not expect impunity.

As I have stated earlier, the ICC remains a court of last resort, governed by the principle of complementarity. It is not a substitute for national criminal justice systems, as it will only take action where a State is unwilling or unable genuinely to carry out an investigation or a prosecution. It is an institution, as has been stated by the Attorney General, that does not diminish States' domestic judicial authority, but rather seeks to encourage States to prosecute the most serious international crimes.

There is provision also for victim participation in the proceedings and, apart from testifying as witnesses, victims can present their views and concerns at all stages of the proceedings. I do share some of the concerns expressed by hon. Baloomoody, but he can rest assured that there are provisions to protect not only witnesses but also victims. And for the first time in history, Mr Speaker, Sir, an International Criminal Court will also recognise the right of victims to ask for reparations for the harm they have suffered. The Court may award reparations on an individual or collective basis, or both. A Trust Fund for the victims has been set up not only to implement court-ordered reparations awards against a convicted person when directed by the Court to do so, but also to provide victims and their families in situations where the court is active with physical rehabilitation, material support and psychological rehabilitation. These restorative measures should assist victims in rebuilding their lives, thereby contributing to peace building in post-conflict societies.

While the ICC is independent in the exercise of its functions, it relies, at the same time, on assistance from States parties in bringing to justice perpetrators of crimes falling within the purview of the Court. As the Court has no executive powers and no Police of its own, it is totally dependent on full, effective and timely cooperation from State parties. Such cooperation is essential to make the Court a robust and an effectively functioning institution.

It may be a relatively new institution, having come into existence in 2002, but it is fully functional. It is also an institution that enjoys wide support throughout the world: 114 countries have to date ratified the Rome Statute.

Mr Speaker, Sir, to ensure the success of the complementarity system and to avoid overburdening the ICC with cases, State Parties should have the required legislative framework for investigating and prosecuting crimes provided under the Rome Statute. As stated in the Preamble of the Rome Statute, it is the "duty of every State to exercise its criminal jurisdiction over those responsible for international crimes". So far, less than half of



the State parties have enacted legislation implementing their complementarity and cooperation obligations under the Rome Statute.

The passage of the International Criminal Court (ICC) Bill by the National Assembly will enable Mauritius to comply fully with the obligations under the Rome Statute. Further, Mauritius will be in a position to effectively cooperate with ICC in investigation and prosecution of crimes over which it has jurisdiction, including the arrest and surrender of suspects.

The adoption of this Bill will also make it possible for Mauritius to ratify the amendments to the Rome Statute that were adopted at the Review Conference of the Rome Statute held in Uganda in May to June 2010. The Review Conference was a landmark event in that it allowed State Parties to review for the first time, the provisions of the Rome Statute as well as to take stock of the achievements of the International Criminal Court (ICC) and of the challenges ahead. Mauritius had co-sponsored some of the amendments to the Rome Statute, namely those relating to the extension of the jurisdiction of the ICC to three additional war crimes applicable to non-international armed conflicts –

- (i) the use of poison or poisoned weapons;
- (ii) the use of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, and
- (iii) the use of bullets which expand or flatten in the human body.

Mr Speaker, Sir, Mauritius is a country where not only rule of law prevails, but we are in full compliance with human rights values. We have become a showcase and today, we are a mature democracy and a showcase under reference for other countries to follow.

Thank you very much.

**(6.02 p.m.)**

**Mr A. Ganoo (First Member for Savanne & Black River):** Mr Speaker, Sir, the international community has, for a long time indeed, wished that a Permanent International Court be set up to put an end to the impunity of the perpetrators of the most atrocious crimes.

Mr Speaker, Sir, I shall try not to repeat what has been said before me. Mr Speaker, Sir, the establishment of this International Tribunal to judge political leaders accused of war crimes, in fact, had been made decades and decades ago. But, the wishes did not really come to fruition during those days. It was made first in 1919 during the Paris Conference; the issue was again raised in the 1930's in the Conference of Geneva under the hospices of the League of Nations as it was then.

The United Nations States had continuously recognised the need for a Permanent International Court to deal with atrocities like those committed during the World War II in 1948, especially, following the Nuremberg and Tokyo Tribunals. Then in the 1950's began the drafting of the first treaty by the International Law Commission of the United States. But in those days, Mr Speaker, Sir, we will remember, the political climate was not appropriate. Those were the days of the Cold War and the political climate was, of course, not appropriate for the establishment of such a court because it was clearly politically unrealistic and unfeasible.

Mr Speaker, Sir, then came the decade which was marked by appeals for the establishment of such a Permanent International Court. In the 1990's, which are nearer to us, we will remember, for the first time, tribunals like the International Tribunal for the former Yugoslavia and Rwanda were set up to try those crimes committed during those days. But, those tribunals were set up for a specific timeframe and during a specific conflict.

Mr Speaker, Sir, I will come back to those tribunals in a few minutes. But, after the setting up of those tribunals, the sky became clearer and following years of negotiations, the General Assembly of the UN convened the conference in Rome in June 1998 with the aim of finalising the treaty. As we have just heard by the hon. Attorney General and the hon. Leader of the Opposition, in July 1998 the Rome Statute was adopted and it became a binding treaty in April 2002 and came in force in July 2002.

Mr Speaker, Sir, before the treaty, the negotiations of the Rome Statute raised many difficult issues at the Working Group Negotiations, when the preamble and the other final clauses of the Statute were being examined. The first stumbling block was about the definition of war crimes. Some countries had strongly argued for the specific inclusion of the threat of use of nuclear weapons should be included in the definition of war crimes as they were methods of warfare, and as we know they cause unnecessary suffering. But, this inclusion was strongly opposed by some other countries, it was believed that if the issue was pushed, it was clear that powerful countries would not sign up on the Statute and could result in wrecking the conference.

Another issue, for example, is the independence of the prosecutor, his power to initiate investigation on his own volition so that no political body, Security Council or State could stop or delay an investigation or prosecution by the prosecutor. This also gave rise to many differences. Thirdly, the relationship of the Court and the role of the Security Council in relation to its special responsibility for international peace and security was also the focus of much heated debate. The hon. Leader of the Opposition touched upon this in his speech, Mr

Speaker, Sir. Many countries were concerned that the unfettered control by the Security Council, especially, with its veto will subject the Court to undue political pressure. The resulting compromise was reached and was reflected in Articles 13 and 16 of the Rome Statute.

Another point of important negotiation, Mr Speaker, Sir, was the concept of complementarity and I will come to that. The need for the Court to be complementary and not in place of National Courts was an issue of fundamental importance for many States of the Conference. In fact, the hon. Minister of Foreign Affairs just said it, the ICC is not superior to and not intended in any way to take the place of National Courts. This was one of the many thorny issues which took a great deal of time over several years leading up which the conference had to resolve, Mr Speaker, Sir. In fact, at heart, there were concerns about State sovereignty and the fear of being overwhelmed by a supra-national institution and jurisdiction. Finally, it was agreed on this point, Mr Speaker, Sir, that the ICC was intended to be a Court of last resort, investigating and prosecuting only where National Courts have failed.

Article 17 which is, in fact, reproduced in Clause 9 of our Bill, says the following, Mr Speaker, Sir.

Article 17 of the Statute provides that a case is inadmissible where –

- (a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;
- (b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute.

Now, we have a surprise - or perhaps I am wrong - I see the amendment has been circulated by the hon. Attorney General. The sole and only amendment which has been circulated to this bulky piece of legislation is in clause 9 by deleting sub clause 4 and sub clause 4 is precisely this Article 17. Clause 9(4) says, I am reading from the Bill, it is in front of me –

“The International Criminal Court may sit in Mauritius, for the purpose of trying a person charged with an international crime, in a situation where it has determined that Mauritius is unwilling or unable to genuinely carry out an investigation or prosecution of an international crime”.

Now this is being deleted. We will come back with this at Committee Stage Mr Speaker, Sir, but I am sure it would be very interesting to hear the Attorney General to enlighten the House as to why 9(4) is being deleted, when it is, in fact, reproducing Article 17 of the Statute which I have just read.

I come to my last point which raised matters of controversies at that time and the point is the immunity of the Head of State, Mr Speaker, Sir. When I was reading that, I was really amazed, Mr Speaker, Sir, because many States at that time raise the point that in their Constitution the President as an immunity like in ours, I was just looking at our Constitution, the President has an immunity, like in ours, I was just looking at our Constitution, our President is immune for civil and criminal proceedings when done in performance of his duty, of course. Now, some States raised the point that this was the immunity of their Head of State in their Constitution. The Head of State is guaranteed with immunity from criminal and civil prosecution and the Rome Statute could be inconsistent with their Constitution and would subject their Heads of State to the jurisdiction of the ICC.

Mr Speaker, Sir, this was an interesting intellectual point which was addressed but then I think they came to the conclusion that most of these Presidents had ceremonial position. They were far from the administration of their State and were not Heads of the Executive. Most of these Presidents were not the ones who could have ordered or carried out all these atrocious crimes. As far as I remember, this is how perhaps they get away from it, but that would be interesting. In our Constitution, our President is guaranteed immunity for civil and criminal acts performed in the execution of his duty and therefore our President is theoretically not subject to the jurisdiction of the ICC. I am asking the question, Mr Speaker, Sir.

I will come to another point which will be my last but one point. All of us are very proud of the Treaty, of the Rome's Statute, of the domestic legislation and so on. We have unanimity in this House, Mr Speaker, Sir, today, but I would like just to underline one thing. We must not forget that the way to the ICC has, in fact, been paved; the way to the Rome Statute, the way to the setting up of the ICC has, in fact, been paved by these *ad hoc* and these hybrid Courts and Tribunals that were set up before the Treaty and before the Rome Statute, Mr Speaker, Sir.

These Tribunals - I was talking about the one set up in the case of former Yugoslavia or the one set up in the case of Rwanda or Sierra Leone as the hon. Minister was referring just now - have brought about the development of international criminal law in a way that it has never been done before. I think we should pay homage to those who man these Tribunals, the

Judges, the practitioners because they had, in fact, developed international criminal law through their judicial interpretation; they had elaborated the elements of the crime of genocide as detailed in the 1948 Genocide Convention. The judicial recognition of the concept of joint criminal enterprise and the principle that national arrangements were amnesties in respect of international crimes are no bar to prosecution for such crimes at International Tribunal level.

What I wanted to do today, Mr Speaker, Sir, is to remind all of us of this House that before the discussions concerning the Treaty and the establishment of the ICC, a lot of work at the judicial level had been done by these Tribunals. Indeed, since the adoption of the UN Security Council to establish the International Criminal Tribunal for former Yugoslavia, Rwanda and so on. A new model of hybrid Tribunals had followed suit, as I just said, with the establishment of the Special Court for Sierra Leone, Cambodia and Lebanon.

Today, it would be fair for us to remember the legacy of these *ad hoc* Tribunals as being major instruments for combating impunity by bringing into account before Courts of Law several high profile individuals, who, in the past, might have escaped justice through their power and influence, but more importantly, by expanding the frontiers of International Law through the development of International Criminal Law in its substantive procedural evidentiary and practice aspects therefore demonstrating that the enforcement of International Criminal Justice is feasible, desirable and necessary hence paving the way and encouraging the international community to adopt the Rome Statute for a permanent International Criminal Court.

Mr Speaker, Sir, since the former President of the local Board of the Serb Democratic Party stood up in the dock at The Hague that was before the Tribunal for former Yugoslavia, about 300 high-ranking personalities had been indicted by these International Tribunals and these were largely high-level personalities. They wielded great power, great influence and they included Heads of State. We know their names; Slobodan Milosevic, Charles Taylor, Hassan al-Bashir of Sudan, Radovan Karadzic of the Serbian Republic of Bosnia, Herzegovina, Prime Minister of Rwanda, Jean Kambanda, all these notorious political leaders who were brought before those Tribunals.

My point, Mr Speaker, Sir, is that till the establishment of these Tribunals in terms of substantive International Criminal Law, very little jurisprudence was based on judicial decisions. Much of it was Treaty-based and had received very little, scant judicial interpretation. In fact, these Tribunals had ushered several ground--breaking judgments. They have rendered many interesting judgments in respect of practice, procedure, evidence and fair trials. I must say that the Treaty and the Rome Statute, Mr Speaker, Sir, reflect in a way this

fairness. When we go through the Bill that we are debating today, Mr Speaker, Sir, many clauses - promoting fairness, fair trial, rules of national justice and all these - had their origin in the judicial pronouncement of these former Tribunals.

I think International Criminal Justice is here to stay, but it has not always been a success story, Mr Speaker, Sir. We have a challenge now. It is to ensure that the gains, the *acquis* of the past in the administration of International Criminal Justice be secured and made available for the future, Mr Speaker, Sir. There are several challenges. Hon. Baloomoody had mentioned them concerning the question of the structures, should we give the means to our courts to apply the Rome Statute. Mr Speaker, Sir, there are, in fact, several challenges: issues of reparation to victims, which are, I agree, very elaborate in the Statute, but not so much in our domestic law which we are debating today: the issues of reparation to victims, witnesses support and protection; the question of legal aid has not been touched upon, Mr Speaker, Sir. I am sure the hon. Minister will enlighten us on all these points.

Finally, Mr Speaker, Sir, the only point I wish to make is the universal application of the law. Mr Speaker, Sir, equality before the law is a fundamental principle of justice and this principle should hold true for the International Legal Order also. The adoption of the Rome Statute raises so much hope for the emergence of a truly International Criminal Justice System. Unfortunately, although, the majority of the States became party to the Rome Statute yet several States - as we have heard - shied away. They chose to remain outside the scope of the Rome Statute. Although the referral contained in Article 13, as in the case of Sudan, Mr Speaker, Sir, was mentioned, yet serious human rights violation can be referred to the court. We must continue to work towards the universality of the ICC and the Rome Statute, Mr Speaker, Sir, and give the ICC full support in the discharge of its mandate.

Mr Speaker, Sir, today, in fact, is a milestone for us today. Today, the Government and the Opposition are sending the signal that we will never be a safe haven for international criminals. We have recognised the danger what it is to be outside the jurisdiction of the ICC, Mr Speaker, Sir, and we are very conscious that we have not signed away our sovereignty today. We can investigate and prosecute international crime committed within our country, Mr Speaker, Sir. I would repeat what has been said before me, the intention behind the ICC is, indeed, very noble and I will quote what Amnesty International has said about the ICC, Mr Speaker, Sir, before sitting down. The ICC has been described by Amnesty International as -

“The 20<sup>th</sup> century’s most important creation in the struggle against impunity  
for the worst crimes known to humanity.”

Thank you, Mr Speaker, Sir.

(6.24 p.m.)

**The Prime Minister:** Mr Speaker, Sir, as has been pointed out by various speakers before me, we signed the Rome Statute establishing the International Criminal Court in 1998 and ratified it in 2002. In my address to the 64<sup>th</sup> Session of the UN General Assembly in 2009, I clearly conveyed our strong support to the International Criminal Court and in line with the commitments taken by Mauritius at international fora, including the International Criminal Court Review Conference in June 2010, whereby we reiterated our unflinching commitment to combat impunity for serious human rights violation.

Therefore, I am particularly proud that we are now introducing the International Criminal Court Bill in this House and I am glad that there is consensus, as there should be, concerning such a Bill. The Bill provides for the effective implementation of the Rome Statute of the International Criminal Court in the Laws of Mauritius. It shall ensure the fulfilment of the obligations of Mauritius under the Statute. We shall provide for the jurisdiction of our courts to try persons charged with international crimes and it shall lay down the procedures for the surrender of persons to the International Criminal Court and for other forms of cooperation with that Body.

The Bill - I was going to mention it; the hon. Leader of the Opposition pointed it out - also takes care of a perpetrator of an international crime who decides to come to Mauritius with members of the family, perhaps, in the hope that he or she can escape being brought to the International Court. Let it be very clear. In fact, if we look at Part IV of the Bill, it deals with the arrest and surrender of persons including the endorsement of the warrant for arrest and the whole procedure. It must be very clear that that kind of criminal will be arrested and procedures will be followed. In fact, it is very pertinent that we are doing this at a time when we are seeing so many abuses of human rights against the civil population happening in different countries.

I am of the view, Mr Speaker, Sir, that it is of utmost importance that we understand in the first place the purpose of having such a piece of legislation. We have to go to the roots - hon. Ganoo has already done so - of International Humanitarian Law for that purpose. The idea that mankind must be protected against the scourge of war dates since a very long time. It was only in the 19<sup>th</sup> century, however, that considerable efforts were undertaken to make war more humane, if I may say so, and subject to strict rules. The decisive events were the creation of the International Committee of the Red Cross in February 1863 and the signature

in August in 1864 of the Geneva Convention for the amelioration of the wounded in armies in the field which signalled, in fact, the birth of International Humanitarian Law.

The idea of a permanent International Criminal Court was conceived with the aim of establishing a court with a universal membership coupled with the mandate to exercise universal jurisdiction, thereby ensuring that no individual in any State will be left beyond the reach of the International Criminal Justice. This, therefore, demands that we sustain the efforts at attaining the goal of universality of the Rome Statute. As a democratic State and as a State which upholds the protection and promotion of human rights and which adheres to the core principles including the rule of law, peace, justice and human dignity, Mauritius shares the view that the international community has to put an end to impunity for particularly serious crimes against humanity and the victims of the gravest international crimes are able to see justice being done.

Mr Speaker, Sir, 30 African States are members of the Rome Statute and, as such, represent the largest regional grouping within the ICC. The court is presently seized with cases of crimes committed in five African countries. Given this situation, Africa, I think, legitimately expects to have its voice heard and equally the voices of the numerous victims should not be left unheeded. I agree that we should pursue, with all our efforts, that we have an African person named through SADC and the African Union and all this.

The balance has even pointed out, Mr Speaker, Sir, between the court and national courts is important. We should not forget that the court is complementary, as many persons have said, to national jurisdictions with nations relating their prime responsibility for the prevention and punishment of crime. Again, it should be pointed out very clearly that the International Criminal Court does not replace national courts which, in fact, enjoy priority over it. An overview of the Bill clearly shows that no effort has been spared in order to ensure that perpetrators of crime against humanity, against genocide and other atrocities of war crimes go unpunished for their deeds.

Another view of the Bill clearly shows that no efforts have been spared in order to ensure that perpetrators of crime against humanity, genocide and other atrocities of war crimes go unpunished for their deeds. We are dealing here – it must be pointed out – with particularly heinous and serious violations of International law by States. On the other hand, the Bill has been drafted with a Human Rights Based Approach. For example, part IV of the Bill, as I mentioned earlier, lays down clearly the parameters within which a request from the International Criminal Court, for provisional arrest and surrender of a person for whom a warrant of arrest has been issued should be dealt with.



Section 17 of the Bill enumerates the rights of a person during inquiry and here, it can be clearly seen, Mr Speaker, Sir, how the provisions already entrenched in our Constitution, in Section 10 cater for the rights of an accused, partly having extended to an accused party under the International Criminal Court Bill.

Hon. Baloomoody asked about the trial by three Judges and why do we have one Judge here. In fact, Mr Speaker, Sir, my understanding is that, although the Convention provides for a panel of three trial Judges, it has been left to Member States to have their own number of Judges. In our case, this is one Judge. Another positive aspect of the Bill relates to the fact that, in addition, we can have mutual assistance in criminal and related matters. This will serve as a further tool for assistance in obtaining evidence in serious criminal matters. The fact that there is mutual assistance, that we can call upon the ICC - perhaps in one way if indeed there is a problem, you were mentioning translation and all this - I am sure mutual assistance will be forwarded if need be.

The International Community, Mr Speaker, Sir, can rest assured that Government will strive its best to afford assistance in tracking down perpetrators of crime against humanity, genocide or war crimes. Mr Speaker, Sir, I think hon. Ganoo mentioned why we have brought this amendment for Section 9(4). I am sure that hon. Attorney General might touch on it. There is already clause 9(1) which still permits trial in Mauritius, if by proclamation, the President so authorises. It is also a question of having our laws with in mind our sovereignty issue. There is clause 9(1) which deals with it, and there is no need, we feel, for clause 9(4) to be there.

Mr Speaker, Sir, on the last note, I should like to stress the active role of the National Humanitarian Law Committee. Government decided in October 2001 to set up of a National Humanitarian Law Committee, called the National Committee, under the aegis of my Office to be chaired by the Senior Chief Executive of the Home Affairs Division or his representative and comprising representatives of other Ministries including the Attorney General's Office and also, the Mauritius Red Cross Society. The role of the National Committee is to advise and assist Government in implementing and disseminating knowledge of International Humanitarian law instruments to which Mauritius is a party, hence the instrumental role of the National Humanitarian Law Committee in advocating the passing of the International Criminal Court Bill today.

In the same vein, I would like to take the opportunity to express my thanks to the Office of the Regional Delegation of the International Committee of the Red Cross for Southern Africa for the invaluable help in the drafting of the International Criminal Court Bill.

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

**(6.34 p.m.)**

**Mr Varma:** Mr Speaker, Sir, let me heartily thank the hon. Prime Minister, colleague Ministers, the hon. Leader of the Opposition and other hon. Members for their interventions and support on this very important piece of legislation. A few points have been raised, Mr Speaker, Sir, by the hon. Members of the Opposition; the first one being from the hon. Leader of the Opposition as regards arrest.

Mr Speaker, Sir, we should note that clause 2 provides that the Attorney General shall apply for a warrant of arrest where he receives a request for the provisional arrest of a person who has been convicted of an offence, and clause 14 of the Bill provides that execution of the request can be postponed where there is conflict with obligations of Mauritius on international law or international agreements referred to in Article 98 of the Rome Statute.

The issue of execution of the arrest warrant is to be viewed on a case-to-case basis, but Mauritius certainly intends to honour its commitment under the Rome Statute and under this law, as rightly pointed out by the hon. Prime Minister.

Mr Speaker, Sir, a few points have been raised by the hon. Third Member for Constituency No. 1 as regards the pre trial, trial and appeal. I would like to refer to clause 16(3) on the pre-trial Chamber, Mr Speaker, Sir, which clearly makes provision for the pre trial Chamber. As regards the ICC, the pre-trial Chamber, the trial Chamber, the appeal Chamber etc, we did not have indeed to replicate the ICC Court System, which is appropriate for an International Court structure. What we have to do in our domestic legislation is to confer jurisdiction on our courts to try international crimes. The Police will inquire; the DPP will consider and advise prosecution. The Supreme Court or the Intermediate Court will try the case depending on the gravity of the crime.

Mr Speaker, Sir, another point was raised by the hon. Third Member for Constituency No. 1 as regards the Supreme Court that we don't have the provision for three Judges, but, in fact, section 35 of the Courts Act makes clear provision that a trial, at first instance, should be with one Judge and then, when there is an appeal, it can be before three Judges. It is worth mentioning sections 36 and 37 of the Courts Act. Even, Mr Speaker, Sir, in cases of gang rape, it is before a Judge without Jury, and the amendment was brought in 2008, section 249(1B) of the Criminal Court. As regards drug trafficking, the point was raised by the hon. Member again, and this is not within the jurisdiction of the ICC. Countries like Trinidad and Tobago have so advocated, but this has not yet retained. It hasn't been retained yet, Mr

Speaker, Sir. We cannot therefore include this in the Bill until the Rome Statute, itself, is amended to include this as an international crime.

As regards the rights of the person during an inquiry, Mr Speaker, Sir, clause 17 of the Bill is clear on that, where the right of the person during the inquiry is highlighted. As regards interpreters, Mr Speaker, Sir, the House will appreciate that this is purely an administrative matter for the Court, and this is not usually provided for in legislation.

Few points have been raised by the hon. First Member for Constituency No. 14 as regards immunity. Indeed, Mr Speaker, Sir, the President does have immunity as provided for in the Constitution, and he is the Commander In Chief, but this remains a civilian function. There are no armed forces in Mauritius. It is the Commissioner of Police who commands the Police Force, and he has no immunity as that of the Head of State. Therefore, it is not necessary to derogate from the Constitution.

Mr Speaker, Sir, regarding the deletion of clause 9(4), as the hon. Prime Minister has rightly pointed out; we consider that clause 9(1) should be read together with the provisions of the Rome Statute and we adequately provide for the ICC sitting in Mauritius. Representations received to the effect that clause 9(4), as worded, may give rise to some ambiguity as to the ICC sitting in Mauritius where Mauritius has declined to investigate or prosecute.

These are a few points which have been raised by the hon. Members of the Opposition, Mr Speaker, Sir, and I have responded to all of them. I commend the Bill to the House.

*Question put and agreed to.*

*Bill read a second time and seconded.*

## COMMITTEE STAGE

*(Mr Speaker in the Chair)*

### THE INTERNATIONAL CRIMINAL COURT BILL

(NO. XXIII OF 2010)

*Clauses 1 to 8 ordered to stand part of the Bill.*

*Clause 9 (Seat and status of International Criminal Court)*

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

**Mr Varma:** I move that, in clause 9, the sub clause (4) be deleted.

**Mr Berenger:** I am not convinced at all by this very late amendment circulated to delete clause 9(4). I take it that Government, the Attorney General, but especially the State Law Office did a lot of work on that over years, and came out with this formulation. I do not think it was *baclé*. It must have been well thought through and then, at the last minute, we

come with an amendment deleting clause 9(4). I am not convinced at all, and we are going to run into trouble with that in the future. That is why I consider it my duty to point the following and to make a suggestion.

Clause 9(1) says -

**‘9. Seat and status of International Criminal Court**

- (1) The International Criminal Court may sit in Mauritius, in such place as may be appointed by the President, at the request of the International Criminal Court, by Proclamation.’

By Proclamation! I take it that the gist of this paragraph is for the President, by Proclamation, to appoint a place where the ICC will sit. Nowhere is it said that the International Criminal Court may sit in Mauritius for the purpose of trying a person charged with an international crime. When we are deleting sub clause (4), we are deleting that; we are throwing the baby away with the water. Granted that clause 9(1) could have been drafted more clearly. Granted! But it is in sub clause (4) that we say that the International Criminal Court may sit in Mauritius, for the purpose of trying a person charged with an international crime. This is to be found nowhere else. I am not convinced by the reasons put forward by the hon. Prime Minister and the hon. Attorney General. I am a patriot; I am a Mauritian. I can understand that one is uneasy, unhappy in putting into our legislation - ‘the International Criminal Court may sit in Mauritius, for the purpose of trying a person charged with an international crime,’ and then adding ‘in a situation where it has determined - it being the Court - that Mauritius is unwilling or unable to genuinely carry out an investigation or prosecution of an international crime’. I can understand that we are not happy with that; we will never do a thing like that. We cannot imagine that, therefore I would agree with deleting it, but that part stating ‘the International Criminal Court may sit in Mauritius, for the purpose of trying a person charged with an international crime’ must be somewhere. This must be found somewhere. Therefore, why not take into consideration sub clause (1) reading -

- (1) The International Criminal Court may sit in Mauritius, for the purpose of trying a person charged with an international crime’.

and then carrying on with 4(1). If there is need to consider that, let us take time, because I am very unhappy with the fact that nowhere in the Bill we will find anything that says that the International Criminal Court can sit in Mauritius for the purpose of trying a person charged with an international crime. It is to be found nowhere else. I have done my duty; I have made my suggestion; this goes on record. If Government, as usual, and the State Law Office, as usual, say no, we stay put. So be it. The future will tell.

**Mr Varma:** Mr Speaker, Sir, the point is noted, but I'll beg to differ from what the hon. Leader of the Opposition has said. Clause (3) of the Bill is clear on that -

**‘3. Status of Statute and application of Act**

- (1) Notwithstanding any other enactment, the Statute shall have force of law in Mauritius.’

Mr Speaker, Sir, I stand by what I stated earlier on and by what the hon. Prime Minister also stated, namely that clause 9(1) should be read together with the provisions of the Rome Statute. This adequately provides for the ICC sitting in Mauritius. I will stand by that. The point is noted, but I beg to differ.

*Amendment agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clauses 10 to 45 ordered to stand part of the Bill.*

*Schedule ordered to stand part of the Bill.*

*The title and the 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 International Criminal Court Bill (No. XXIII of 2010) was read the third time and passed.*

**The Minister of Business, Enterprise, Cooperatives and Consumer Protection (Mr M. Yeung Sik Yuen):** Mr Speaker, Sir, I do not propose to move for the Second Reading of the Consumer Protection (Price and Supplies Control) (Amendment) Bill (No. XIII of 2011) today.

**The Attorney General (Mr Y. Varma):** Mr Speaker, Sir, I do not propose to move for the Second reading of the Institute for Judicial and Legal Studies Bill (No. IX of 2011) and the Law Practitioners (Amendment) Bill (No. X of 2011) today.

**ADJOURNMENT**

**The Prime Minister:** Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 28 June 2011 at 11.30 a.m.

**The Deputy Prime Minister rose and seconded.**

**Mr Speaker:** The House stands adjourned.

(6.49 p.m.)

### MATTERS RAISED

#### STE CATHERINE/ST. PIERRE - SHUTTLE SERVICE

**Mr S. Dayal (Third Member for Quartier Militaire & Moka):** Mr Speaker, Sir, on several occasions, in this House, itself, I have raised the problem faced by the inhabitants of Ste Catherine/St. Pierre with regard to a shuttle service from St. Pierre Traffic Centre, Ste Catherine to Moka Eye Hospital via Camp Samy.

I understand that much progress has been accomplished, but then it is still being awaited and this is causing much hardship to the inhabitants of St. Pierre and the regions which I have mentioned.

I would like to appeal to the hon. Minister to see to it that matters be sped up to alleviate the hardship caused to the inhabitants mentioned.

Thank you.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, I'll request the NTA to do the needful.

#### FLOREAL DISPENSARY - TEMPORARY CLOSURE

**Ms S. Anquetil (Fourth Member for Vacoas & Floreal):** Mr Speaker, Sir, my request is addressed to the hon. Minister of Health and Quality of Life.

The hon. Minister is aware of a petition, dated 31 May 2011, signed by the *Forces Vives* of Upper Floreal, in which the residents have expressed their deep concern about the numerous difficulties they are facing everyday with a temporary closure of their local dispensary.

Inhabitants of Floreal have been requested to go to Castel Dispensary for medical care during the construction works of a Medi Clinic.

Hon. Minister, may I draw your attention to the fact that to travel from Floreal to Castel, the inhabitants have to change two buses: one bus from Floreal to Curepipe at the cost of Rs16 and a second bus from Curepipe to Castel at Rs22. *Cela fait un total de R 38*. Once in Castel, they have to walk a long distance to reach the dispensary causing many difficulties to old and handicapped persons, pregnant women, mothers with newly born child and children.

I would like to make a special appeal to the Minister of Health and Quality of Life to consider an alternative site, if possible, in buildings belonging to the Government.

I thank you, Mr Speaker, Sir.

**The Minister of Health and Quality of Life (Mrs S. B. Hanoomanjee):** Mr Speaker, Sir, if you will allow me I will put things in its right perspective. In fact, I have received a petition from the inhabitants of Floreal and I understand the hardship of those inhabitants.

In April last, the Ministry of Public Infrastructure, after carrying out a survey of the Floreal Community Health Centre, strongly advised that it should be evacuated as soon as possible due to unsafe structural conditions beyond repairs. My Ministry had to react immediately. It made arrangements firstly to vacate the building and, secondly, to direct patients to another community health centre. The most appropriate ones were found to be Castel Area Health Centre and Victoria Hospital.

A *communiqué* was immediately issued to inform all inhabitants of the fact that the community health centre is closed and that they should move to Floreal Community Health Centre and Victoria Hospital. In the meantime, my Ministry initiated procedures for the renting of a building in the vicinity of Floreal to accommodate the services of the community health centre. I hope that this will definitely solve the problems of the inhabitants, but, pending the fact that we find a rented building, the inhabitants will have to go to Castel Area Health Centre and Victoria Hospital. I hope that this problem will be solved very soon.

**Mr Speaker:** Let me make an observation here. This is a clear case where the hon. Member could have liaised with the Minister of Health and sort out the problem. The Minister of Health has just said that she is looking for an alternative accommodation. This should not have been raised first in the House, it should have been raised with the Minister first.

#### **FLOREAL DISPENSARY - TEMPORARY CLOSURE**

**Mrs F. Labelle (Third Member for Vacoas & Floreal):** Mr Speaker, Sir, the issue I was to raise concerns the same problem. With your permission, may I be allowed to make a suggestion which I think can help to alleviate the problem?

**Mr Speaker:** Yes, carry on!

**Mrs Labelle:** My suggestion is, since we have a dispensary at Curepipe Road, which is nearer to part of the region of Floreal, may I humbly request the hon. Minister if she can consider sending the persons to the Curepipe Road Dispensary instead of Castel which is far regarding distance and cost of transport.

Thank you Mr Speaker, Sir.

**The Minister of Health and Quality of Life (Mrs S. B. Hanoomanjee):** Mr Speaker, Sir, this option has been fully considered, but the fact is that the Curepipe Road Dispensary is already overloaded and cannot accommodate other people.

**Mr Speaker:** The Minister is looking for an alternative site in Floreal.

### **BOIS DES AMOURETTES - ACCESS ROAD**

**Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle):** M. le président, le sujet que vais aborder concerne le ministre des infrastructures publiques. C'est au sujet d'un chemin d'accès, connu comme la rue Lion, qui se trouve dans le village des Bois des Amourettes.

Comme vous le savez, ce village se trouve sur la route côtière menant de Mahebourg à Flacq; d'un côté il y a la mer et de l'autre côté il y a la montagne. La plupart des habitants vivent sur le flanc de la montagne. En fait, ce n'est pas une rue, c'est un accès avec quelque 250 marches donc, ce n'est pas un accès facile. Depuis des années, les habitants se plaignent de ce problème. Je sais qu'en 2004, il y a eu des démarches faites pour rendre plus accessible le chemin.

En 2006, il y a eu une réunion convoquée par le ministère mais depuis il n'y a pas eu grand-chose. Je sais que le ministre est un ministre très dévoué qui apporte des développements. Je fais donc un appel au ministre pour voir s'il peut soulager les habitants qui habitent cette rue afin qu'ils n'aient plus de problème d'accès, surtout lorsqu'on sait que des malades, des handicapés et des pêcheurs empruntent cet accès. Certains pêcheurs doivent même porter le moteur de leurs bateaux sur leurs épaules pour gravir ces 250 marches. J'espère qu'on trouvera une solution rapidement à ce problème. Merci.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, yesterday, I went in that region together with all my technicians. If the hon. Member had raised that issue yesterday, we could have conducted a site visit and action could have been taken yesterday itself.

### **CALCUTTA & NICOLAY ROADS, PLAINE VERTE**

#### **- 'PIERRES TAILLEES' - THEFT**

**Mr A. Ameer Meea (First Member for Port Louis Maritime and Port Louis East):** M. le président, permettez-moi de soulever un problème que je place au-dessus de la mêlée politique aussi je demanderai l'attention de tous les honorables membres. En fait, cela concerne la destruction et le vol des pierres taillées.



Je pense que cela concerne le ministère des arts et de la culture, le ministère des infrastructures publiques et aussi peut-être le ministère des collectivités locales.

M. le président, à Plaine Verte où des travaux de réfection de caniveaux sont en cours, notamment, à la rue Calcutta et à la rue Nicolay, des pierres taillées d'une valeur inestimable - ces pierres témoignent notre histoire - sont enlevées, empilées dans des camions pour disparaître dans la nature sans qu'on sache où ces pierres sont en train d'être transportées.

M. le président, les mauriciens, surtout les citoyens de la capitale, n'apprécient pas un tel manque d'égard à l'encontre de l'histoire de Port Louis. Quand on sait que ces pierres ont été taillées sous l'ère de Mahé de Labourdonnais, et qu'elles évoquent le dur labeur des esclaves dans des conditions inhumaines, on ne peut s'empêcher d'éprouver une profonde indignation. On est en train de s'attaquer à ce qui nous reste comme vestiges du passé et comme patrimoine.

Mr Speaker, Sir, let me give you an idea of the value of these rocks. I feel that the decision to remove the stones from the drains - which add to the heritage of the area - is uncalled for and should be stopped. It has been noticed that not only the waterways are being removed but also the pavement edge stones. These stones usually cost between Rs1,500 to Rs3,000 a piece so we can have an idea of how much will cost the stones on 500 metres or one kilometre.

Mr Speaker, Sir, the actual problems with our city drainage system do not lie in the drains themselves, but rather in the decisions by the authorities to add layer upon layer of asphalt to the roadways to the point that where the roads are now above ground level, many people's houses have problems of flooding. I have taken some pictures to show how the pavements were and how they are now.

J'ai aussi des informations - qui doivent être vérifiées - qu'il y a un courtier basé à Brisée Verdrière, et que ces roches sont en train d'être mises en vente à des hôtels. Un des camions embarquant les pierres a pour plaque d'immatriculation 916ZH92 dont j'ai moi-même été témoin. Je propose qu'une enquête soit ouverte pour qu'on puisse faire la lumière sur toute l'affaire.

Merci, M. le président.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, the hon. Member should have referred this matter to the Police immediately, but, nevertheless, tomorrow morning, I am going to have a look at it and immediate action will be taken.

### MARIE REINE DE LA PAIX - PUBLIC TOILET

**Mr R. Uteem (Second Member for Port Louis South & Port Louis Central):** Mr Speaker, Sir, I would like to raise an issue again above politics. It is addressed to the hon. Minister of Local Government and Outer Islands and to the hon. Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping. It is in relation to the area of Marie Reine de La Paix.

As the hon. Minister and Mr Speaker also are aware, there are, very often, religious ceremonies that take place in open air. There used to be one public toilet which was operational, but for a number of months now, this has ceased to be in operation. This is causing many inconveniences also to Municipal Council workers, usually the labourers, who come to mow lawns and look after the flowers.

Can the hon. Minister take up the matter with the Local Authorities so that these public toilets are operational again?

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** Mr Speaker, Sir, I will look into the matter and take remedial action.

### ST. GERAN STREET, ALBION - SECURITY MEASURES

**Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière):** Mr Speaker, Sir, my request is addressed to the hon. Prime Minister who is unfortunately not here. I would like to ask the hon. Vice-Prime Minister to transmit the matter for his attention.

What I would like to take up is the recent case of *campriolage* and rape that took place at St. Géran Street in Albion which is most unfortunate in the sense that it was perpetrated just a few metres away from the house of the Vice-President where there is a Police sentry 24/7 and also very near the place of a Consul of the Republic of Seychelles. As we know, this area is an area where we have now new developments for tourism. There are new hotels like Club Med amongst others; the villas and *campements* in the vicinity are being rented to tourists and it has become a very buzzing tourist area as well as a weekend retreat for a lot of Mauritians.

Since the episode of Dantier crime which has still not yet been elucidated, there have now been lots of tensions and insecurity in the area especially because most of those, who were creating troubles in Flic en Flac, have now moved to the beaches along Albion since the installation of cameras in Flic en Flac.

There have been complaints and reports made to the Police that there are fights every weekend on the public beach near the bus terminal. Unfortunately, the Police, who go and

stay there in their van, apparently, do not pay any attention; even the coast guards are never seen around the beach. Apparently, they stay in the bungalow having beer-drinking parties.

So, my request is to ask the hon. Prime Minister whether he would consider increasing the number of vehicles and policemen, the number of Police patrols and, if possible, consider also the installation of CCTV cameras in the region.

**The Vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval):** Mr Speaker, Sir, I will bring this matter to the attention of the hon. Prime Minister. This is indeed a very tragic case.

Thank you.

#### **14TH FINA WORLD CHAMPIONSHIPS - SHANGHAI 2011 - MAURITIAN SWIMMERS - PARTICIPATION**

**Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière):** M. le président, ma requête ce soir s'adresse à l'honorable ministre de la jeunesse et des sports. Elle concerne la participation des nageurs mauriciens au 14<sup>ème</sup> Championnat du Monde qui va se tenir durant la deuxième quinzaine de juillet 2011 à Shanghai.

C'est un sujet de préoccupation majeure, M. le président, au sein de la famille de la natation mauricienne après la décision de la fédération de n'envoyer aucun nageur à cette compétition qui, je dois le souligner, a une double importance. En effet, M. le président, la non-participation des nageurs mauriciens à cette compétition va réduire à néant les chances pour l'île Maurice d'avoir deux places pour les Jeux Olympiques de 2012 à Londres selon la règle de l'universalité. Ce n'est pas moi qui le dis, mais ce sont les conditions imposées par la Fédération Internationale de Natation.

Dans un mémorandum envoyé aux fédérations nationales, membres de la FINA, en date du 16 mars 2011 - et d'ailleurs, M. le président, je vais déposer une copie de ce mémorandum - son directeur exécutif a expliqué de la façon la plus claire qu'une fédération nationale souhaitant, et je cite -

*“To enter swimmers to the London 2012 Olympic Games through universality places, these should take part at the 14<sup>th</sup> FINA World Championships - Shanghai 2011.”*

Il n'y a pas plus limpide comme condition, M. le président.

Je citerai aussi le rapport de la Commission Technique signé par le Directeur Technique National lui-même, qui se lit comme suit -

«Si nous devons absolument y participer, il faut sélectionner nos meilleurs nageurs pour deux raisons : pour rester dans la logique des performances et aussi, pour prétendre à une invitation aux Jeux Olympiques de 2012, il faut participer aux mondiaux de Shanghai.»

M. le président, je vais aussi déposer une copie de ce rapport de la Commission Technique.

M. le président, dans un premier temps - je dois le rappeler - la Fédération Mauricienne de Natation avait décidé d'envoyer des nageurs qui ne sont pas parmi les meilleurs ce qui avait provoqué un tollé dans le monde de la natation mauricienne, suscitant même de vives protestations de la part des parents des meilleurs nageurs et de leurs clubs respectifs. Suite à cela, nous apprenons que la fédération a changé sa décision et n'enverra finalement aucun nageur à ce championnat ce qui est, à mon avis, une aberration. D'autant plus qu'en réponse à une de mes questions, A/179, le ministre des sports avait lui-même indiqué que: '*in case we absolutely need to participate, we will be represented by our best swimmers*'. Dans ces conditions, je demande au ministre de veiller à ce que les droits de nos meilleurs nageurs ne soient pas bafoués, et, par la même occasion, de préserver nos chances d'être aux jeux olympiques de Londres en 2012.

Merci, M. le président.

**The Minister of Youth and Sports (Mr S. Ritoo):** I take note of what the hon. Member has stated, but I think that it is finally a decision for the federation to take. It all depends upon the federation. I stated in my answer that, in case the federation decides to participate in the World Championship, we'll be represented by our best swimmers. *Donc, c'est la fédération qui va décider si elle va participer. C'est payé directement par la fédération internationale.*

### **CANDOS HOSPITAL, CANCER WARD - CHILDREN - ACCOMPANYING MOTHERS**

**Mrs L. Ribot (Third Member for Stanley & Rose Hill):** Mr Speaker, Sir, I would like to address a national issue which I will place, as my colleague stated, beyond party politics.

I address a special appeal to the hon. Minister of Health and Quality of Life together with the hon. Minister of Labour, Industrial Relations and Employment.

Mr Speaker, Sir, room 14 in Candos hospital is a child cancer ward. Children sick with cancer follow the chemotherapy treatment there. Mothers, of course, have to stay with their

sick child to give motherly care. Very often, Mr Speaker, Sir, they have to stay the day following the treatment as well with their children. Unfortunately, in this room 14, fathers are not allowed to stay with their children for evident reasons: mothers are milking their babies, etc so that those mothers, who have sick children, find themselves forced to take leave to be able to take care of their children. They take whichever leave they have got left: vacation, local or sick leave.

My humble request to the Minister of Health and Quality of Life together with the Minister of Labour, Industrial Relations and Employment is to consider granting some kind of special leave to those mothers who have got sick children as long as the treatment goes on, of course, *moyennant* a medical certificate from a GMO.

Thank you very much.

**The Minister of Health and Quality of Life (Mrs S. Hanoomanjee):** Mr Speaker, Sir, I will have to liaise with my colleague to find out whether that is at all possible or not.

**The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):** Mr Speaker, Sir, I will look into the matter and I commend the hon. Member for having a heart for those ladies and mothers.

*At 7.09 p.m. the Assembly was, on its rising, adjourned to Tuesday 28 June 2011 at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### SOS GUARD LTD. - THEFT - INQUIRY

**(No. B/523) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the inquiry into the theft of firearms and bullets from the headquarters of SOS Guard Ltd., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

**Reply:** I am informed by the Commissioner of Police that on 08 November 2010, the larceny of 15 firearms and 250 rounds was reported at the Headquarters of the SOS Guard Ltd situated at Remy Ollier Street, Port Louis.

During the course of the Police enquiry into the case, 26 persons were questioned. Eight persons were arrested, four of them have been remanded to jail and the others have been released on bail. The provisional charge lodged against one of the persons on bail, has been struck out due to lack of evidence.

Police inquiry into the case has already been completed and on 13 June 2011, the case file has been forwarded to the Director of Public Prosecutions for advice.

### **PAILLES POLICE STATION – POLICE INSPECTOR - COMPLAINTS**

**(No. B/524) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he has received a letter from the inhabitants and/or associations of Pailles complaining of the negative attitude of some Police officers, based at the Pailles Police Station and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to the remedial actions that will be taken.

**Reply:** There is no record in my office of the letter referred to by the hon. Member. However, I am informed by the Commissioner of Police that on 04 June 2011, he received a letter dated 31 May 2011 signed by two inhabitants of Morcellement Guibies, Pailles complaining of the behaviour of a Police Inspector of Pailles Police Station.

The Divisional Commander Metropolitan (South) has instituted an enquiry into the matter and on submission of the findings, and if the complaint is proved, appropriate disciplinary action will be initiated.

In the Government Programme 2010 - 2015, we have taken the commitment to implement the National Policing Strategic Framework which was published in February 2010 and which aims at transforming the Police from a force to a service, with emphasis on customer and community based policing.

The National Policing Strategic Framework comprises a pillar for making the Police a Human Rights Compliant Organisation. Under this pillar a Professional Standards Department will set clear procedures, protocols and standards of behaviour in all areas of work so as to promote values, educate and guide our Police Officers in the proper service delivery to the community.

In addition, the training package for Trainee Police Constables comprises a module on Human Rights. Police officers are trained to a strict observance of Human Rights in their dealings with the members of the public.

In that context, the Police has, on Friday 17 June 2011, launched a brochure entitled “Our Policing Pledge – The Promise to the Public” wherein the Police has set standards as regards its service delivery. It is expected that these reforms will bring about a change of behaviour and attitude across the Force.

**POLICE OFFICERS – CAR ACCIDENTS – BREATH TEST**

**(No. B/525) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to car accidents in which Police officers driving Government vehicles were involved, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof over the past three years, indicating if the said Police Officers had undergone a breath alcohol test.

**Reply:** I am informed by the Commissioner of Police that the number of car accidents involving Police Officers driving Government vehicles was 126 in 2008, 108 in 2009 and 126 in 2010. Since January 2011 to date, 68 cases have been reported.

In accordance with Section 123 of the Road Traffic Act, where the Police suspect the driver of a vehicle, including Police Officers, involved in a road accident, to be under the influence of intoxicating drinks, the Police requires the driver to perform a breath test.

Breath tests were conducted in 66 cases of accidents involving Police officers as drivers, and 64 were negative and two were positive. In one case, the Police officer was convicted by court. The other case is awaiting trial.

Police officers are required to act at all times within the legal framework and to uphold human values so as to instill confidence unto the minds of people they are serving. Time and again, they are forewarned that they are not above the law and, as such, they will have to bear the consequences of any unprofessional conduct on their part in the performance of their duties.

**ST MARTIN DAM, QUARTIER MILITAIRE - RECREATIONAL CENTRE**

**(No. B/545) Mr S. Dayal (Third Member for Quartier Militaire and Moka)** asked the Minister of Local Government and Outer Islands whether, in regard to St Martin Dam at Quartier Militaire, he will state if consideration will be given for the use of 12 acres of land available thereat for the construction of a-

- (a) leisure park and/or recreational centre;
- (b) health track;
- (c) football ground;
- (d) volley ball pitch, and
- (e) basket ball pitch.

**Reply:** I am informed that the Moka-Flacq District Council possesses 12.23 acres of land at St Martin Dam which is found approximately 400 metres from its premises. 75 perches of this land on the frontage is presently being used as green space.

I wish also to inform the House that the Council has already committed, following my approval, two acres of this land for lease to the Ministry of Social Security, National Solidarity and Reform Institutions for the setting up of an Activity Centre/Mixed Farming Project for Elderly persons. As regards the remaining 9.48 acres of land, the Council has prepared a Master Plan which will include a nature park, a health track, a football ground, a volleyball pitch and a basket ball pitch. The Council will now consider the possibility of including a recreational centre in this Master Plan.

### VUILLEMIN - DRAINS

(No. B/546) Mr S. Dayal (Third Member for Quartier Militaire and Moka) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Vuillemin, he will state if consideration will be given for the construction of drains at the –

- (a) Pope Hennessy Street;
- (b) Poivre Street;
- (c) Jeannet Street;
- (d) Bourn Street;
- (e) Bourbon Street;
- (f) Carson Street, and
- (g) Madhoo Street, with a view to alleviating the hardships caused to the inhabitants thereof by the absence of drains.

**Reply:** I have requested the officers at the NDU to look into the matter.

### AGRICULTURE - GREENHOUSES

(No. B/557) Mr J. C. Leopold (First Member for Rodrigues) asked the Minister of Agro-Industry and Food Security whether, in regard to agriculture in mainland Mauritius and Rodrigues, he will state the measures presently being taken by his Ministry to encourage the use of greenhouses as a means of limiting the pesticide use, indicating the number of planters who have benefitted therefrom over the past five years.

**Reply:** I am informed that vegetable crop production under hydroponic greenhouse condition requires much lesser pesticide use compared to open field cultivation. The reduction



in pesticide use can reach up to 50%. In practice, only 5-6 pesticide applications are carried out as compared to 10-12 applications under open field conditions.

With regard to the measures for encouraging use of greenhouses for horticultural produces, the current fiscal incentives given to promoters include -

- duty and VAT Exemption on imported hydroponic/greenhouse units.
- loans at a concessionary rate of 9% interest from the DBM (Biotechnology Loan Scheme).

The Biotechnology Loan Scheme managed by DBM was operational in July 1999 with a maximum loan of Rs1 m. and interest rate of 3% per annum repayable over a period of 7 years including 2 years moratorium period. In May 2007, the interest rate was revised to 9% per annum. For the past 5 years, 96 projects totalling an amount of Rs57 m. have been financed under the Scheme. All projects were recommended and supervised by the Agricultural Research and Extension Unit of my Ministry.

Moreover, a hydroponic village has been set up at Beemanique, Cluny on 15 acres of land belonging to the Rose Belle Sugar Estate Board. 31 plots of land of 990 m<sup>2</sup> have been leased out to promoters to set up greenhouse units. Currently, eleven promoters have completed the construction of the greenhouses and are exploiting fourteen units for the cultivation of tomato, cucumber, sweet pepper, watermelon and melon. Three units are under construction and another nine units are yet to be constructed. Infrastructure works for the connection of each plot of land to a water supply network from a borehole are currently being undertaken. Electricity facilities have also been installed.

To date, 281 farmers in Mauritius have taken advantage of the Biotechnology Loan Scheme and are involved in greenhouse production over an area of 16.6 ha. The number of greenhouse units has increased from 250 units in 2005 to 498 to-date. Those farmers produce tomatoes, sweet pepper, English cucumber, melon, lettuce and some ornamental crops namely roses and gerbera. The annual production of vegetable from this system is estimated at 3350 tonnes. Coming to Rodrigues, there were three greenhouses in 2005 and to date the number has increased to 13 units.

The Agricultural Research and Extension Unit of my Ministry is regularly providing technical guidance and necessary training to facilitate horticultural production in greenhouses. These include research and development to support the sector and onsite advisory visits with emphasis on cultural practices, pest and diseases management, and also greenhouse management. Promoters are also empowered through training in hydroponic culture. Over the

last 5 years, 186 planters attended trainings conducted at AREU's Farmers Training School at Wooton and at its Model Farms. The agricultural services in Rodrigues are assisting farmers by frequent visits and through training programmes.

Cultivation under greenhouses is, but one method that makes minimal use of pesticides. My Ministry is also encouraging farmers to practise sheltered farming which makes use of lesser pesticide. Provision has been made in the Budget to provide loans at concessionary rates for the construction of sheltered farming units. Moreover, my Ministry is encouraging farmers to adopt integrated pest management which combines different methods of pest control instead of use of chemical pesticides only.

### **PORT LOUIS MUNICIPAL COUNCIL - READING ROOM -NEWSPAPERS AND PUBLICATIONS**

**(No. B/560) Mr A. Ameer Meea (First Member for Port Louis Maritime and Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the Municipal Reading Room, situated at Jules Koenig Street, next to the Municipal Theatre, he will state if the newspapers and publications by La Sentinelle Group are available thereat and, if not, will he -

- (a) for the benefit of the House, obtain from the Municipal Council of Port Louis information as to the date on which same have ceased to be available thereat, indicating the reasons therefor, and
- (b) state if he will impress upon the Council the need to reinstate such facilities.

**Reply:** In my reply to a question on the same issue in June last year, I stated that I was not aware of any directives that may have been issued by my Ministry with regard to the purchase of daily newspaper '*L'Express*', and, of the nature of the directives, if any, which has been given. I also concurred with a proposal of one hon. Member that we need to ensure that Municipal libraries should offer to its readers the opportunity to read all newspapers published in Mauritius.

I have, therefore, impressed upon the Municipal Council of Port Louis to also comply with this wish.

The hon. Member may also wish to know that all newspapers are available for consultation on-line.

### **MARE AUX VACOAS RESERVOIR - RIVERS AND RIVULETS FEEDERS**

(No. B/561) Dr R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Mare aux Vacoas reservoir, he will state –

- (a) the names of the rivers and rivulets feeders;
- (b) if some rivers are diverted to neighbouring lessees of large plots of state land in the vicinity thereof;
- (c) if some lessees of small plots of state land have deforested same for agricultural purposes, thus destroying the natural drains feeding the rivulets and rivers, and
- (d) where matters stand regarding the construction of a diversion structure on Rivière du Poste to feed about 10 million m<sup>3</sup> of water yearly.

**Reply:** I am informed that Mare aux Vacoas reservoir is fed by four main streams, namely Ruisseau Gros Cerf, Grand Ruisseau, Gros Ruisseau and Rivulet Mazery and three feeder canals namely Tatamaka feeder canal, Parc aux Cerfs feeder canal and Pradier canal.

Under the provisions of Section 25 of the Rivers and Canals Act 1863, no one has the right to stop or change the course or level of any river or stream without the authorisation of the Supreme Court. No diversion of rivers has been found during inspections carried out by the Forestry Service and the Water Resources Unit. I have requested a team of officers from the Forestry Service, the Water Resources Unit, the Police Department to carry out further site visits to detect any unlawful abstraction from the feeder canals and rivers.

With regard to deforestation for agricultural purposes, I am informed by the Conservator of Forests that State lands which were previously under tea plantations are now under vegetable cultivation. There are no new forest areas which have been cleared for agricultural purposes.

With regard to part (d) concerning transfer of water from Rivière du Poste to Mare aux Vacoas, the project is not about the construction of a diversion structure. It consists of the construction of a 15-metre high dam, which needs a solid super structure, to last for 50 years or more. Geological investigations carried out to verify the bearing capacity of the subsoil have revealed that there is no sound rock up to 30 metres depth. As such the dam design had to be reviewed by the dam design expert to suit the difficult site characteristics.

The consultant is thus finalising the design of the Dam and in parallel the bid documents, which are expected to be launched by July 2011. Construction works are expected to start in October/November 2011 and completed by end 2012.

In the meantime, the Central Water Authority has installed temporary structures at Rivière du Poste and since 16 June 2011, it is diverting 7,000 m<sup>3</sup> daily to Pradier Canal which feeds Mare aux Vacoas reservoir.

#### **SSR INTERNATIONAL AIRPORT – SECURITY OFFICERS - RECRUITMENT**

**(No. A/199) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Sir Seewoosagur Ramgoolam International Airport, he will, for the benefit of the House, obtain from Airports of Mauritius Ltd. information as to if security officers have recently been recruited thereat and, if so, indicate the names of the recruits and their respective addresses.

**Reply:** The Airports of Mauritius Ltd., as any company, has its own internal procedures to recruit its own personnel.

#### **POLICE FORCE – PROMOTION**

**(No. A/200) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to recent appointments in the Police Force to the rank of Sergeant and that of Inspector, he will, for the benefit of the House, obtain from Commissioner of Police, a list of the Police Officers who have been promoted, indicating their respective age and address.

**Reply:** The names of the Police Officers who have recently been promoted to the rank of Sergeant and Inspector were published in the Police Routine Orders. A section of the press published these names.

Their address is not indicated for reasons of security.

#### **POLICE STATIONS – SAFETY REGULATIONS**

**(No. A/201) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to each of the Police Stations and buildings vested in the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if they comply with the safety regulations as regards the number of fire extinguishers, required and the fixing thereof for use in case of fire outbreak, indicating if they are regularly checked by the Government Fire Services.

**Reply:** Section 74(1) of the Occupational Safety and Health Act stipulates that every building should be provided with means of extinguishing fire as required by the Government Fire Services. In accordance with the above provision all Government buildings need to have fire security arrangements. The Government Fire Services carries out a risk assessment on the premises of the buildings so as to advise on the number and types of fire extinguishers required based on the dimensions and architectural plan of the buildings.

The number of fire extinguishers needed at each site varies depending on the assessment and recommendations of the Government Fire Services which takes into account the following aspects about such safety equipment -

- (i) location and fixation;
- (ii) maintenance;
- (iii) whether the number provided is adequate, and
- (iv) proper handling and use.

Officers of the Government Fire Services carry out inspections on a yearly basis at each site to ensure that fire extinguishers have been installed in accordance with its recommendations.

In 2010, 96 premises of the Police Department had been inspected and 845 fire extinguishers were verified by the Government Fire Services. During this year, 45 premises have been inspected and 335 fire extinguishers verified.

According to the Acting Chief Fire Officer, all Police Stations are provided with adequate fire extinguishers.

### **NEWTOWN & NOUVELLE VILLE HOUSING ESTATES, ROSE HILL - STREET NAME PLATES**

(No. A/202) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the putting up of plates indicating the street names in the Newtown and the Nouvelle Ville Housing Estates in Rose Hill, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to where matters stand.

**Reply:** I am informed by the Municipal Council of Beau Bassin/Rose Hill that it is presently updating its list of public roads whereat street name plates have to be fixed or replaced in the town. Accordingly, street name plates will be placed by mid July 2011 in Newtown and Nouvelle Ville Housing Estates.

### **LES SALINES - MUSLIM CEMETERY – LIGHTING**

**(No. A/203) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the Muslim cemetery, situated at Les Salines, he will state if there is absence of lighting thereat and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if consideration will be given for the installation of lanterns thereat.

**Reply:** I am informed by the Municipal Council of Port Louis that the Muslim cemetery is one among the four cemeteries namely Old Western, Gébert, St Georges and Muslim, forming the Western cemeteries and it is located at Cassis Road.

The whole Muslim cemetery itself consists of a portion of land of an extent of 13 arpents which were donated to the Council by Late Sir Abdool Razack Mohamed.

The Council has actually placed ten lanterns illuminating the used part of the Muslim cemetery of the extent of 14662 m<sup>2</sup> as follows –

- (i) 5 lanterns of 150 watts
- (ii) 5 lanterns of 60 watts

These lanterns are fixed at intervals and the whole cemetery is lighted.

I am also informed that the Council provides one *balladeuse* for use during the late night burials. Thus, there is no absence of lighting thereat.

#### **MOTORWAYS, ROUNDABOUTS AND CLASSIFIED ROADS - SIGN POSTS**

**(No. A/204) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the motorways, roundabouts and classified roads, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if there is a lack of sign posts indicating the villages and the regions and, if so, will consideration be given for the installation of additional sign posts therefor.

**Reply:** It is the responsibility of the Road Development Authority (RDA) to place directional signs on motorways, roundabouts and classified roads at main junctions in order to guide road users. However, some of these signs have either been stolen or damaged. In addition, with the extensive on-going road construction works, some of the signs need to be revisited.

A fresh survey will be carried out by the RDA in collaboration with the Local Authorities concerned and the Traffic Management and Road Safety Unit to assess the situation and take remedial action.

It is the responsibility of the Local Authority concerned to fix appropriate signposts at the entrances and exits of towns and villages.

### **POLICE STATIONS - SIGNPOSTS**

(No. A/205) **Dr R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the placing of conspicuous directional signs to locate Police Stations, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand, indicating a list of the Police Stations where same have already been placed.

**Reply:** Directional signposts to locate Police Stations have been placed throughout the island by the Police Department in collaboration with the Road Development Authority (RDA) and the Traffic Management and Road Safety Unit (TMRSU).

However, a joint survey will be carried out by the Police Department, the RDA and the TMRSU to assess the situation and take remedial action where necessary.

### **GLOBAL BUSINESS COMPANIES - MIGRATION**

(No. A/206) **Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to Global Business companies, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to the number thereof which have migrated abroad, since 2005 to date, indicating where to.

**Reply:** I am informed by the Registrar of Companies that, since 2005, 368 Global Business Companies have been transferred to other jurisdictions.

As regards the jurisdictions to which the companies have migrated, the information is being compiled and would be made available as soon as the exercise is completed.

### **HAJJ PILGRIMAGE 2010 - COMPLAINTS**

(No. A/207) **Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Arts and Culture whether, in regard to the organization of the Hajj Pilgrimage for 2010, he will, for the benefit of the House, obtain from the Islamic Cultural Centre, information as to if it has received

- (a) a report from the Saudi Arabian Authorities thereon and, if so, will he table copy thereof and, if not, why not, and

(b) complaints from the public in relation thereto and, if so, the actions taken, if any.

**Reply:** As regards part (a) of the question, I am informed by the Islamic Cultural Centre that as at date no report has been received from the Saudi Authorities for Hajj 2010. However, a correspondence concerning violations committed by Mauritian Operators during last Hajj and subsequent sanctions taken by the Saudi Authorities has been addressed to the Chairperson of the Islamic Cultural Centre by Mr Abdul-Wahid Burhan Saifuddin, Chairman of The Establishment of Mutawifs for Pilgrim's of African Non-Arab Countries, commonly known as the Muassassah. I am tabling a copy of the correspondence received from the Saudi Authorities.

Concerning part (b) of the question, I am informed by the Islamic Cultural Centre that no complaint has been received from the public so far for Hajj 2010.

### **BORSTAL MUNICIPAL CENTRE - ACTIVITIES**

**(No. A/208) Mr V. Baloomoody (Third Member for G.R.N.W & Port Louis West)** asked the Minister of Local Government and Outer Islands whether, in regard to the Borstal Municipal Centre, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to the -

- (a) activities that are being run thereat, and
- (b) if it is made available to the inhabitants of the locality for social and sport activities and if not, why not.

**Reply:** With regard to part (a) of the question, I am informed by the Municipal Council of Port Louis that the following activities are being run at the Borstal Polyvalent Centre -

- (i) *boxe française*.
- (ii) dressmaking.
- (iii) meetings of Association/Senior Citizens groups.
- (iv) physical Activities: Keep fit/Aerobic.

An actual schedule of the use made by the public as per annex is being laid in the Library of the National Assembly.

As regards part (b) of the question, I am informed that the centre is also made available upon demand and availability to the public and to the inhabitants of the locality for social/cultural activities, weddings and receptions.

### **GOVERNMENT FIRE SERVICES - WATER HYDRANTS**



(No. A/209) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to water hydrants, he will, for the benefit of the House, obtain from the Government Fire Services, information as to -

- (a) the number thereof region-wise, and
- (b) if their efficiency are regularly checked, indicating the frequency thereof.

**Reply:** With regard to part (a) of the question, the number of water hydrants region-wise are as follows –

<b>Region (Station Area)</b>	<b>Number of Hydrants</b>
Port Louis	145
Triolet	120
Piton	107
Coromandel	124
Flacq	126
Quatre Bornes	216
Curepipe	266
Saint Aubin	63
Mahebourg	98
<b>Total over the island</b>	<b>1265</b>

As far as part (b) of the question is concerned, I am informed by the Government Fire Services that, as a general rule, the water hydrants are checked twice yearly and in special circumstances such as after a heavy rainfall and re-asphalting of roads, checks are conducted as soon as possible.

#### **JOCELYN VIGOUREUX STREET, PORT LOUIS - STREET LANTERN**

(No. A/210) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government and Outer Islands whether, in regard to the Jocelyn Vigoureux Street, in Port Louis, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if consideration will be given for the installation of a street lantern thereat, opposite the house number O 38.

**Reply:** I am informed by the Municipal Council of Port Louis that the site in front of the house number 038 at Jocelyn Vigoureux Street is provided with a street lantern of 40 watts (Eco bulbs), which is equivalent to 125 watts.