



**FIFTH NATIONAL ASSEMBLY**

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

**SECOND SESSION  
TUESDAY 18 JUNE 2013**

**CONTENTS****ANNOUNCEMENT****PAPERS LAID****QUESTIONS** (*Oral*)**MOTION****STATEMENT BY MINISTER****BILLS** (*Public*)**ADJOURNMENT****QUESTIONS** (*Written*)

Members	Members
<b>THE CABINET</b>	
<b>(Formed by Dr. the Hon. Navinchandra Ramgoolam)</b>	
Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues
Dr. the Hon. Ahmed Rashid Beebejaun, GCSK, FRCP	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Vice-Prime Minister, Minister of Finance and Economic Development
Hon. Anil Kumar Bachoo, GOSK	Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping
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Hon. Mrs Sheilabai Bappoo, GOSK	Minister of Social Security, National Solidarity and Reform Institutions
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Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure

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Hon. Sayyad Abd-Al-Cader Sayed-Hossen	Minister of Industry, Commerce and Consumer Protection
Hon. Surendra Dayal	Minister of Social Integration and Economic Empowerment
Hon. Jangbahadoorsing Iswurdeo Mola	Minister of Business, Enterprise and Cooperatives
Roopchand Seetaram	
Hon. Mrs Maria Francesca Mireille Martin	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

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**MAURITIUS**

**Fifth National Assembly**

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**SECOND SESSION**

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**Debate No. 12 of 2013**

**Sitting of 18 June 2013**

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

**At 11.30 a.m**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

## ANNOUNCEMENT

### CANDAHOO, MR GEORGY AUGUSTIN- OBITUARY

**The Prime Minister:** Mr Speaker, Sir, it is with sadness that we learnt of the demise of Mr Georgy Augustin Candahoo on 17 May 2013.

Mr Candahoo was born on 08 August 1946 in Port Louis. He attended the Père Laval RCA School. For his secondary education, he attended Eden College in Port Louis.

Mr Candahoo was married and had four children.

In 1970, Mr Candahoo joined the Civil Service and was posted to the Ministry of Health up to 1983. During those years, Mr Candahoo was also involved in social activities. He was always attentive to the plight of the vulnerable and was readily available to give assistance to those who solicited his help.

Mr Speaker, Sir, in 1983, Mr Candahoo stood for the General Elections in Constituency No. 4, Port Louis North and Montagne Longue, under the banner of the MSM and Labour Party Alliance, and entered the Legislative Assembly under the Best Loser System.

Mr Candahoo also stood for the 1995 General Elections in Constituency No. 4, but was not returned.

However, Mr Candahoo continued to take a keen interest in politics, and he also served as an Executive Member of the *Organisation Fraternelle*.

Mr Speaker, Sir, may I request you to be kind enough to direct the Clerk of the National Assembly to convey the deep condolences of the Government and of this Assembly to the bereaved family.

**The Leader of the Opposition (Mr A. Ganoo):** Mr Speaker, Sir, in the name of the Opposition, I join in with Dr. the hon. Prime Minister to the tribute paid to the late Mr Georgy Augustin Candahoo. May I request you, Mr Speaker, Sir, to direct the Clerk to convey to the bereaved family the assurance of our sincere condolences.

**Mr Speaker:** I associate myself with the tribute paid to the late Mr Georgy Augustin Candahoo by Dr. the hon. Prime Minister and the hon. Leader of the Opposition and I direct the Clerk to convey to the bereaved family the assurance of our sincere condolences.

## **PAPERS LAID**

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

**Prime Minister's Office** –

**A.**

- (a) Certificate of Urgency in respect of the following Bills –
  - (i) The President's Emoluments and Pension (Amendment) Bill (No. XII of 2013).
  - (ii) The National Assembly Allowances (Amendment) Bill (No. XIII of 2013).
  - (iii) The Human Tissue (Removal, Preservation and Transplant) (Amendment) Bill (No. XIV of 2013).
- (b) The Ports (Amendment of Schedule) Regulations 2013 (Government Notice No. 122 of 2013).

**Ministry of Finance and Economic Development** –

- (a) The Land (Duties and Taxes) (Amendment of Schedule) Regulations 2013 (Government Notice No. 118 of 2013).
- (b) The Public Procurement (Amendment No. 2) Regulations 2013 (Government Notice No. 125 of 2013).
- (c) The Digest of Agricultural Statistics 2011.
- (d) The Digest of Business Activity Statistics 2011.
- (e) The Digest of Crime, Justice and Security Statistics 2011.
- (f) The Digest of Public Finance Statistics 2011.

**Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping** –

- (a) The Road Traffic (Crop Season) Regulations 2013 (Government Notice No. 117 of 2013).
- (b) The Road Traffic (Taxi, Bus and Lorry Stands) (Amendment) Order 2013 (Government Notice No. 123 of 2013).
- (c) The Road Traffic (Taxi, Bus and Lorry Stands) (Amendment No. 2) Order 2013 (Government Notice No. 124 of 2013).

**D. Ministry of Housing and Lands –**

- (a) The Cadastral Survey (Land Surveys) Regulations 2013 (Government Notice No. 119 of 2013).
- (b) The Cadastral Survey (Land Surveys in Rodrigues) Regulations 2013 (Government Notice No. 120 of 2013).
- (c) The Cadastral Land Survey (Registration of Memorandum of Survey and Survey Report in Rodrigues) Regulations 2013 (Government Notice No. 121 of 2013).

**E. Ministry of Industry and Commerce and Consumer Protection –**

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 12) Regulations 2013 (Government Notice No. 126 of 2013).

**F. Ministry of Civil Service and Administrative Reforms –**

The Annual Report 2011 of the Public Officers' Welfare Council.

## ORAL ANSWERS TO QUESTIONS

### HON. ATTORNEY GENERAL - ALLEGED ASSAULT

**The Leader of the Opposition (Mr A. Ganoo)** (*by Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the case of alleged assault on one Mr Florent Jeannot by the hon. the Attorney General, on 04 May 2013, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to if –
  - (i) the hon. Attorney General has allegedly interfered in the inquiry;
  - (ii) any Cabinet Minister or Chairperson of a statutory body has exerted pressure on Mr F.J. and on his father to withdraw the complaint, indicating if same amount to a case of conspiracy to pervert the course of justice, and
- (b) state if –
  - (i) any action against the hon. Attorney General is being envisaged for breach of the Code of Ethics for Barristers, and
  - (ii) in the interest of justice, he proposes to revoke the hon. Attorney General forthwith.

**The Prime Minister:** Mr Speaker, Sir, the House will recall that in my reply to Parliamentary Question B/368 on 28 May last, I stated that if ever there was a *prima facie* case established in the alleged assault on Mr Florent Jeannot by the hon. Attorney General, action will have to be taken. Let me reiterate what I emphatically stated at the very outset, that witnesses should have no fear or hesitation to come forward and make whatever statement they wish to make in the interest of Justice.

Yesterday, following an article that appeared in '*Le Mauricien*' and statements aired on Radio Plus, the Commissioner of Police issued a *Communiqué* informing the public that an enquiry has been initiated to establish if there has been any attempt to pervert the course of justice in relation to the ongoing enquiry into the incident involving the hon. Attorney General and Mr Florent Jeannot.

In the same *Communiqué* the Commissioner of Police assured the population that the law will be strictly applied and invited any person wishing to assist the Police in its new enquiry to do so.

Mr Speaker, Sir, in regard to part (a) of the question as to whether any meeting between the hon. Attorney General or any other Minister or Chairperson of any statutory body and Mr Florent Jeannot and

any pressure exerted on the same Mr Florent Jeannot to withdraw his complaint constitute an interference in the enquiry and a conspiracy to pervert the course of justice is a question requiring me to give a legal opinion. This would be inappropriate.

At any rate, the names of the alleged authors in this question of exerting pressure on a witness are already in the public domain. The enquiry initiated by the Commissioner of Police will establish all the relevant facts, and it will be for the DPP and, eventually, the Court, in case of prosecution, to determine whether any criminal offence has been committed.

In regard to part (b) (i) of the question, I would like to point out that paragraph 2.3 of the Code of Ethics for Barristers provides that, and I quote –

“A barrister shall not –

- (a) engage in conduct, whether in the pursuit of his profession or otherwise, which is –
  - (i) dishonest or otherwise discreditable to a barrister;
  - (ii) prejudicial to the administration of justice; or
  - (iii) likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession into disrepute.”

It would, therefore, be, Mr Speaker, Sir, for the Bar Council to investigate any alleged breach of the Code of Ethics.

I also wish to state that section 13 of the Law Practitioners Act provides for the institution of disciplinary proceedings against a law practitioner on the initiative of the Attorney General, and following a decision to that effect by the Chief Justice. Furthermore, that section also provides that the Supreme Court has its own inherent powers to deal with matters of professional discipline of law practitioners. These initiatives are not within my powers. In any event, since the Police are carrying out an investigation into this matter, it appears that disciplinary action, if any, can be appropriately taken after the completion of the Police enquiry.

As regards part (b) (ii) of the question, I should like to inform the House that, in the light of the new facts that have come to light, I have decided that the Attorney General cannot remain in office as Attorney General, and I will be asking him to submit his resignation.

**Mr Ganoo:** Mr Speaker, Sir, although the hon. Prime Minister has said that facts have to be analysed after which it will be up to the authorities to determine whether the offence of conspiracy to pervert the course of justice has been committed, is he aware that, yesterday, over the radio, hon. Reza Issack, a PPS of Government, did in fact make many revelations, and publicly stated how he himself and

the hon. Attorney General had met, on several occasions, the victim of this alleged assault and his parents at different places?

**The Prime Minister:** Yes, that is why I mentioned that, in view of the recent developments and what have been said on ‘Le Mauricien’ first, and then, furthermore, on Radio Plus, I have decided that he cannot remain as Attorney General.

**Mr Ganoo:** Can I ask the hon. Prime Minister whether hon. Issack or the hon. Attorney General informed him or sought his permission before contacting the victim and his father? Because hon. Issack has said that he did keep the Deputy Prime Minister informed, and he said – I heard it myself – that the hon. Attorney General had kept the hon. Prime Minister informed, and informed him of these ‘negotiations’.

**The Prime Minister:** That is absolutely not true, Mr Speaker, Sir. I suppose the hon. Leader of the Opposition would know that, had such a thing happened – he might have heard it – I would have acted immediately. But, given the new facts that have been revealed, that is why I said that he cannot remain as Attorney General. The blunt answer is no and no!

**Mr Ganoo:** The fact that the hon. Prime Minister has asked the hon. Attorney General to step down is one matter, but there are so many serious aspects of the recent developments that have to be probed into, and this is the purpose of this PNQ. Therefore, can I ask the hon. Prime Minister whether he is aware that, some ten days ago, manoeuvres had started when the Chairman of the MPA started to meet the victim’s father at his office, and also at his lounge at Champ de Mars on several occasions, attempting to put pressure on the father of the victim and the victim to withdraw the case of assault?

**The Prime Minister:** I have been aware like everybody else from what hon. Reza Issack said and the father also said on radio yesterday, Mr Speaker, Sir.

**Mr Ganoo:** In the course of the conversation between the Chairman of the MPA, a proposal was made to pay to the victim a compensation, and this compensation to be even paid in euro outside the country!

*(Interruptions)*

**The Prime Minister:** That will have to be established by the investigation that is ongoing and, eventually, I am sure, if it will go to the DPP, the DPP will decide. But, that is why an investigation is being carried out by the Commissioner of Police who did not wait to start this enquiry on whether there has been any conspiracy to pervert the Court of Justice.

**Mr Ganoo:** Is the hon. Prime Minister aware that, in the office of the Chairman of the MPA, the hon. Attorney General was present with the father of the victim, and when he tendered his apology to the father, the latter told him: "you should tender apologies to my son", which he did. He phoned to the son and the mother and over the phone he tendered his apologies, and all this was done in the presence of a high ranking Police Officer?

**The Prime Minister:** That is why it is better to let the inquiry establish the facts. I have spoken to the Commissioner of Police on that matter. The alleged case of whether a Police Officer was involved is being denied by the Police Officer.

**Mr Ganoo:** Can I ask the hon. Prime Minister whether since yesterday he has met hon. Issack or the hon. Attorney General and queried from them whether, in fact, the Attorney General, who is a suspect in a case of alleged assault, did go to the place of the victim on two occasions, that is, on Thursday last and on Saturday last, and whether, in fact, discussion about compensation took place during those two meetings at the house of the victim?

**The Prime Minister:** Well, as far as I can see - I looked at the transcript because I did not listen to the radio programme but asked for the transcript, which I got very late yesterday - they admit that they have been to the house of the victim and his parents. There is an admission in what has been said on radio.

**Mr Ganoo:** Is the hon. Prime Minister aware - because everything was on radio and in the press - that, in the course of the last meeting which took place on Saturday last at the residence of the victim, the hon. Attorney General offered in writing the sum of Rs500,000 to the victim in order for the latter to withdraw the case and, in the course of the discussions, the offer increased to Rs1.5 m.?

**The Prime Minister:** My understanding is that he is giving a different version about this. That is why we should let the inquiry establish. But, as far as I am concerned, he cannot remain as Attorney General once this step has been crossed.

**Mr Ganoo:** But what is most serious, Mr Speaker, Sir, and I put it to the hon. Prime Minister and ask him whether he is aware that the hon. Attorney General even called the Counsel of the alleged victim yesterday and on Friday; twice on Friday and six times yesterday, and sent her some SMS. The hon. Attorney General even went to the office of the Counsel and waited for one hour because she was not present at her Chambers. The Attorney General sent the Counsel one SMS, and a few minutes afterwards sent her another SMS. He called her again at 10.30 yesterday, and asked her: "*anou ale station pu faire withdraw sa case la.*"

**The Prime Minister:** Well, as I said, Mr Speaker, Sir, there is an inquiry going on, and I cannot and must not prejudice an investigation that is ongoing. All this will be established by the inquiry, I am sure.

**Mr Bhagwan:** Mr Speaker, Sir, we have just heard from the hon. Prime Minister that he has asked the hon. Attorney General to resign. We all know that the Mauritius Ports Authority falls under the responsibility of the hon. Prime Minister. Can the hon. Prime Minister give assurance to the House that he will urgently look into all the aspects pertaining to all the video cameras which exist within the MPA, and ask the Chairperson and anybody whose name has been involved on the air when hon. Issack and the father talked, to step down? I would like to ask the hon. Prime Minister whether the Chairperson of the Mauritius Ports Authority will be asked to step down, in order not to tamper with any other things at the MPA, and also any other people whose name has been mentioned and occupying other functions in Government.

**The Prime Minister:** My understanding is that the Chairperson of the Mauritius Ports Authority is abroad at the moment. But, in any case, I would wish to have the inquiry establish the facts first.

**Mr Baloomoody:** In fact, I was coming to the issue of the evidence that we have at the MPA and other evidences. Can I ask the hon. Prime Minister to ensure that no person, be it from Government or from the MPA, tampers with evidence, because we know there are pressures on these people and there are evidences which have been gathered? I am sure the hon. Prime Minister knows the seriousness of this case and this is why he has asked the Attorney General to step down. If need be, other people as well have to step down, because this inquiry has hit the top of Government. So, we need to ensure that whoever has to resign, to step down for the time being, pending inquiry, should be asked to do so.

**The Prime Minister:** As I have said, Mr Speaker, Sir, I am asking the hon. Attorney General to step down but, as for the rest, I have had a meeting with the Commissioner of Police, as you would imagine, this morning again. I have asked him to make sure that he has a reliable Police officer who is in charge of it and to ensure that all the evidence is gathered and nothing is tampered with.

**Mr Obeegadoo:** Mr Speaker, Sir, on the very same point raised by my colleagues, hon. Bhagwan and hon. Baloomoody, being given the seriousness of the matter involved that has led to the hon. Prime Minister taking this unprecedented step of asking the Attorney General to resign, being given that at the MPA there are cameras which can produce irrefutable evidence and that there is a risk, of course, that these be tampered with, will the hon. Prime Minister seriously consider the urgent necessity to ask the Chairperson of this Body to step down immediately - to be recalled, if need be, if he is on official mission

- so that there is no risk whatsoever of any tampering with evidence in this matter and that the whole truth be known to the public?

**Mr Speaker:** I understand the question put has been answered by the hon. Prime Minister.

*(Interruptions)*

**Mr Obeegadoo:** Mr Speaker, Sir, the issue of cameras has not been raised and I am referring specifically ...

**Mr Speaker:** I have ruled that the question has been answered by the hon. Prime Minister. Hon. Lesjongard!

**Mr Lesjongard:** Thank you, Mr Speaker, Sir. As mentioned by the hon. Leader of the Opposition, the presence of the high ranking officer of the Police Force ...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Lesjongard:** Has the hon. Prime Minister been briefed by the Commissioner of Police of the presence of that officer during the meeting and in the premises of the Mauritius Ports Authority?

**The Prime Minister:** I did not quite gather what the hon. Member has said at the beginning, but I thought he said about the alleged meeting with the Police officer who has denied that he ever was present. That is what the Commissioner of Police tells me.

**Mr Ganoo:** The hon. Prime Minister has asked the Attorney General to step down. Will he look closely at the role that was played - I say, unfortunately because he is a good friend of mine - by hon. PPS Reza Issack? In fact, he started the whole procedure in which the hon. Attorney General finally was absorbed and this we are all witnessing today the consequences of the Attorney General participation in these manoeuvres!

So, can the hon. Prime Minister give an undertaking to this House that an inquiry will be made also with regard to the role played by hon. Issack and whether he will be reprimanded or measures should be taken against him for what he has done?

**The Prime Minister:** As I have said, Mr Speaker, Sir, any action will follow from what the investigation establishes. As soon as I see that there is a case, I will necessarily have to take the action that has to be taken.

**Mr Uteem:** There have been allegations made during the meetings - one of the meetings, at least - there was a high ranking Police officer present. So, may I ask the hon. Prime Minister to see to it that -

- (i) this gentleman and any member of his team are not involved in that inquiry, and
- (ii) to take out the case from the Central CID because the case of the accident was transferred to that Body on the request of the hon. Attorney General?

**The Prime Minister:** Normally, this is what happened for a serious case; the Commissioner of Police transfers it to the Central CID; for other cases, it has been the case. I have spoken to the Commissioner of Police this morning to ensure that there is one person responsible for all the investigations. It is obvious that there is an allegation that this Police officer was there; he has denied it, but obviously, he cannot be part of that investigation.

**Mr Ganoo:** Doesn't the hon. Prime Minister agree that this behaviour of the hon. Attorney General constitutes an indecent proposal and indicates the prevalent state of mind of certain people at the helm of this country, that anything can be put on sale and can be bought and that in the interest of transparency, due process of law, risk of abuse of power, this inquiry should be conducted in all fairness and justice must not only be done, but seen to be done? The manner in which this inquiry will be conducted should be above any suspicion! Can the hon. Prime Minister give the guarantee to the House that this will be done?

**The Prime Minister:** Mr Speaker, Sir, in fact, as I have said at the very beginning, if people think that they can do what they want to do, there is the result for everybody to see! The hon. Attorney General has to submit his resignation. It is clear, therefore, what I am saying. It is not the first time that we are doing this. It is not the first time. Anybody who thinks that he is above the law will have to think again. I reminded of what Thomas Fuller said –

“Ever so high may you be, the law is still above you.”

*(Interruptions)*

**Mr Speaker:** Hon. Bhagwan, silence! Hon. Jhugroo!

**Mr Jhugroo:** Given that hon. PPS Reza Issack yesterday afternoon mentioned on a private radio that he informed the Deputy Prime Minister about everything, can I ask the hon. Prime Minister whether he was made aware of that case and when?

**The Prime Minister:** The answer is no.

**Mr Roopun:** Everything in this very sad incident started only when the hon. Prime Minister made a public announcement that any witness should be fearless and come forward. It is then that we have seen so many witnesses coming forward. Does the hon. Prime Minister not think that it is, in fact, a very serious matter that people have no confidence in the Police and it was the hon. Prime Minister who

had to stand up, make a statement publicly and it was only then that witnesses started to come forward? I think this is a *désaveu* to the Police and also to the institution. What measures should be taken so that the Police is given *la lettre de noblesse*, so that the population has confidence again in the Police Force in general?

**The Prime Minister:** I encourage witnesses to come in any case and whatever the case may be, they have to be fearless and come forward. I don't think it is right to say that it is blame on the Police; it might be a blame on certain people, but not the whole Police Force as such. There is going to be a complete relook at the structure on how the Police is organised. That is what I am doing at the moment.

**Mr Bodha:** Mr Speaker, Sir, may I ask the hon. Prime Minister who is the Officer-in-charge of this inquiry?

**The Prime Minister:** I have asked the Commissioner of Police to ensure that it is a Senior Officer who has got nothing to do with the case and he is about to do this.

**Mr Bhagwan:** From what we have seen and what we have witnessed, Mr Speaker, Sir, and the action taken by the hon. Prime Minister, can he inform the country and the nation whether it is not now the time, at least, to have a good code of conduct for Ministers of Government who can set the example? The Ministers do have to set example to the country and we as well as hon. Members. We have seen in the recent past so many Ministers *fané*.

Can I ask honestly as a taxpayer, not only as a hon. Member of this Assembly - I have been here for thirty years, I mention it – that, at least, we must set the example and that there are Ministers who should be sacked immediately?

**The Prime Minister:** In fact, it is a good question. I think there was a question last week. In fact, we are working on this code of conduct for Ministers and ...

*(Interruptions)*

... for everybody and this is coming. I thank the hon. Member for the suggestion because it is a good suggestion; we are working on it, as you are aware, Mr Speaker, Sir.

**Mr Ganoo:** Mr Speaker, Sir, this whole incident has meant a lot of trauma to the Jeannot family also. I say also. Can the hon. Prime Minister give the undertaking to the House that, as the highest authority of law and order in this country, he will see to it that this family living at Flic en Flac is provided with Police protection in the days and weeks to come, in view of the terrible pressure that will be made to bear on them, especially in view of what has happened right now, the announcement of the

Prime Minister asking the Attorney General to step down? Can he reassure this family that they will be provided with Police protection especially in the vicinity where they reside?

**The Prime Minister:** I will take this matter with the Commissioner of Police, but he must be a complete fool for what has happened to try to think he can go and talk and try to influence the members of the family. I would never have seen a fool like this if he does this, but in any case I will give him this assurance.

**Mr Ganoo:** Eventually, when the case will be decided upon and I am not pre-empting anything, if the members of this family turn out to be witnesses for the prosecution, I am urging the hon. Prime Minister that this protection should be extended to them, especially when they will be called as witnesses in the forthcoming criminal cases which will be heard before our Courts of law.

**The Prime Minister:** We have to make sure that they are not harassed and nobody talks to them; that I will ensure, Mr Speaker, Sir.

**Mr Obeegadoo:** Mr Speaker, Sir, being given that these latest allegations, this latest Varma case, if I may call it, is but one instance where we have had a number of Ministers of this Government that have created public controversy, will the hon. Prime Minister confirm that he is now envisaging a Cabinet reshuffle?

**The Prime Minister:** It is something which is my prerogative and the timing depends on the Prime Minister and nobody else. I will take the decision when the decision has to come.

**Mr Jhugroo:** Can the hon. Prime Minister give the House the guarantee that this enquiry will be done on a fast track and whether hon. PPS Reza Issack will be called upon as a main witness?

**The Prime Minister:** For the enquiry, they are establishing it, Mr Speaker, Sir. As I said, this enquiry will go to the bottom of it.

**Mr Bodha:** May I ask the hon. Prime Minister where matters stand as regards the first enquiry which was carried out by the Police station in Sodnac and then which has been taken over by the CCID at Line Barracks?

**The Prime Minister:** From my understanding, this case is about to go to the DPP for advice.

**Mr Bhagwan:** Being given the importance of this case, can the hon. Prime Minister inform the House whether he has given directives to the Commissioner of Police, at least, for this enquiry, to expedite matters, not to take much time so that the public knows in what direction Government is going?

**The Prime Minister:** I have said that he will table. We have to do the enquiry as it should be done, not to jump steps, but it will be; that is what the intention is.

**Mr Speaker:** Since there are no more questions, we move to the questions addressed to Dr. the hon. Prime Minister. The Table has been advised that Parliamentary Question No. B/496 addressed to Dr. the hon. Prime Minister will now be replied by the hon. Minister of Social Security, National Solidarity and Reform Institutions. In keeping with practice, PQ No. B/496 will be replied at the end of Question Time.

### **GOAL PROJECTS 2 & 3 - ALLEGED ILLEGAL FINANCIAL TRANSACTIONS**

**(No. B/492) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the allegation of illegal financial transactions, in relation to funds allocated by FIFA for the Goal Projects 2 and 3, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in regard to the inquiry carried out thereinto.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that on 30 July 2012, Mr B. M., the Secretary of Managing Committee of the Mauritius Football Association reported a case of “Alleged Embezzlement” to the CCID against Mr A. V., Administrative Secretary of the MFA. The latter is accused of having allegedly embezzled a sum of Rs450,000 during the implementation of Goal Projects II and III which were financed by FIFA.

I am informed that on 09 August 2012, the Mauritius Football Association suspended Mr A.V. until further notice.

During the course of the enquiry, Police have recorded statements from twelve persons. The case file was referred to the Director of Public Prosecutions for advice. On 10 June, the Director of Public Prosecutions has requested the Police to probe further on certain aspects of the enquiry.

**Mr Quirin:** M. le président, l'honorabile Premier ministre peut-il nous dire quelles sont les personnes qui ont été interrogées par la CCID dans le cas de cette affaire?

**The Prime Minister:** It would not be right to mention the names, but 12 persons have been interviewed.

**Mr Quirin:** M. le président, l'honorabile Premier ministre peut-il indiquer à la Chambre qui est le principal enquêteur dans cette affaire?

**Mr Speaker:** It's better not to mention names.

**The Prime Minister:** That is for the administration of the Police, it is not me who chooses who will enquire into what.

**Mr Speaker:** It is not safe. Next question, hon. Baloomoody!

## HAMILTON COLLEGE – ALLEGED PAEDOPHILIA

**(No. B/493) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the recent arrest of one Mr A. A., following an alleged case of paedophilia at the Hamilton College, 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, indicating -

- (a) if Mr A. A., had previously been involved in any sexual offence and, if so, indicate where matters stand as to the inquiry carried out thereinto, and
- (b) if the victims are being harassed and, if so, the measures being taken, if any, for their protection.

**The Prime Minister:** Mr Speaker, Sir, following a statement made on 25 May 2013 at the Blue Bay Police Station by a student aged 11 years, accompanied by her mother and a representative of the Child Development Unit, Police started an inquiry which led to the arrest of Mr. A. A. on the next day, that is, 26 May 2013.

On 27 May 2013, a provisional charge of ‘*causing a child to be sexually abused*’ was lodged against Mr A. A. before Grand Port District Court and he has been remanded to Police cell. On 10 June 2013, he appeared before the Court and he was remanded to jail until 14 June 2013. On 12 June he appeared in Court following a bail motion which was denied. He appeared in Court again on 14 June 2013 and has been remanded to Police cell up to 20 June 2013.

In regard to part (a) of the question, I am informed by the Commissioner of Police that Mr A. A was involved in two cases of ‘*Breach of Information and Communication Technologies Act*’ reported in January 2008. Police had started inquiries in both cases. In one case, the Director of Public Prosecutions has advised no further action. Following the withdrawal of the complaint, a warning had been administered to the accused. In the second case, Mr A. A. is being prosecuted for “*using Telecommunication Service to cause annoyance to another person.*” The case has been lodged before the Intermediate Court.

In regard to part (b) of the question, I am informed by the Commissioner of Police that no complaint of harassment has been received from the victims as at to date.

**Mr Baloomoody:** Can I ask the hon. Prime Minister whether with regard to the two cases of using wireless or telephone, they were linked with obscene phone calls of sexual nature?

**The Prime Minister:** I have not enquired into what the details of the phone calls were, but the Police are enquiring into that. The first case, as I said, the DPP has reported no further action except a warning and the second case is gone to Court.

**Mr Uteem:** Mr Speaker, Sir, in the light of these very serious allegations, does the hon. Prime Minister consider it not appropriate that there be a code of conduct for all schools before they recruit any teachers, to do a screening, and ensure that all the teachers recruited do not have any cases of a sexual nature against them?

**The Prime Minister:** I think the hon. Member is right; that is what should be done.

**Mrs Navarre-Marie:** Mr Speaker, Sir, in view of the fact that there is nowadays an increasing number of sexual abuses against minors, will the hon. Prime Minister state whether he proposes to set up a registry, a register of persons who had ever been charged of sexual abuse pending a comprehensive Sexual Offences Act?

**The Prime Minister:** We are thinking of not exactly whether they have been charged, but whether they have been found of being guilty. I think it would be more appropriate, Mr Speaker, Sir, because we have had in past cases where there have been these allegations which were not proven afterwards. So, it would be better, I think, if they have been proven, then to put them on the list.

**Dr. S. Boolell:** Mr Speaker, Sir, considering the number of sexual assaults on children, would the hon. Prime Minister not be of the view that there should be a time limit for investigations from the Police on these matters and implement a fast track for the cases to be heard in a Court of law because far too often, Mr Speaker, Sir, we have noticed young kids appearing in Court four or five years after the event?

**The Prime Minister:** It is unfortunate. We have tried to say it, as for the administration of justice, that has been relayed many times to the people concerned, to the Judicial Department, but also to the Police; we have told them. That is why there is a restructuring of the Police going on at the moment.

**Mr Speaker:** I have to remind hon. Members that in asking supplementary questions, they should avoid asking for an expression of opinion.

**Mr Ganoo:** The hon. Prime Minister has mentioned that in one case a warning was administered to the suspect, Mr A. A. Now, is the hon. Prime Minister aware that, in fact, warnings are administered to accused persons or to suspects on the condition that they should admit their guilt and this is when the DPP decides to administer the warning. In this case, as rightly pointed out by my hon. friends, can the hon. Prime Minister see to it that our law is amended in line with what obtains in the UK so that a thorough screening is done, so that there is due diligence with regard to everybody who applies to work in a school,

in a kindergarten, in a place where there are children so that the risks of paedophilia or sexual abuses against kids are addressed? This is the law in the UK! An employee, before he is recruited in a place where children are to be found, a thorough screening must be done on that person. Not only his previous convictions must be looked into because people may not have previous convictions, but it does not mean that they have never committed any sexual crime as in this case. So, can the hon. Prime Minister liaise with the Attorney General's Office so that our law is amended as quickly as possible to address this problem?

**The Prime Minister:** I thank the hon. Leader of the Opposition. In fact, this is something that we are taking up. But I must tell him that even in the UK, in spite of the screening you get cases of people who were not screened properly. It happens everywhere. But we have to minimise the risk.

*(Interruptions)*

Yes.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House whether this person was involved in previous cases of sexual offence?

**The Prime Minister:** There is no such information here, Mr Speaker, Sir. The information is that he has been involved in two cases, that I mentioned, which is Breach of Information and Communication Technologies Act. Maybe in the details there might be, but it is not there in my file.

**Mrs Hanoomanjee:** Can the hon. Prime Minister say whether in cases of paedophilia what measures are being taken so that the victims do not confront the perpetrator directly?

**The Prime Minister:** This is not directly in the question, but we have started taking steps. There is video recording and all this. I know hon. Baloomoody has mentioned that in some cases, it is not done in all cases, but we will accelerate the procedure.

**Mr Speaker:** One last question, hon. Dr. Sorefan!

**Dr. Sorefan:** Mr Speaker, Sir, may I know from the hon. Prime Minister whether this Mr A. A. is the son of the Chairperson of LGSC?

**Mr Speaker:** No, this is not a proper question! Next question, hon. Bhagwan!

#### **POLICE FORCE – MOTORCYCLES - PURCHASE**

**(No. B/494) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for

Rodrigues whether, in regard to the motorcycles of the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number thereof in service, indicating the engine capacity thereof in each case;
- (b) if the purchase of new ones is being considered and, if so, indicate if the type and specifications thereof are being reviewed following complaints received, and
- (c) training courses offered to the Traffic Officers in relation thereto.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that the Mauritius Police Force currently has a fleet of 506 motorcycles in service and I am tabling the information requested by the hon. Member.

In regard to part (b) of the question, I am informed that for the financial year 2013, provision has been made for the acquisition of 29 new motorcycles as follows –

- (i) 14 with engine capacity in the range of 240cc to 275cc;
- (ii) 13 with engine capacity of 125cc, and
- (iii) 2 with engine capacity in the range of 590cc to 675cc.

The type and specifications of motorcycles are worked out by a Board of Specifications set up at the Procurement and Supply Unit of the Police and comprising an Engineer from the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, and the Officer in Charge of the Police Technical Unit. The type, engine capacity and choice of motorcycle to be purchased depend on the requirements of each Division and the Branch to which the motorcycles are to be allocated.

I am further informed that in November 2011 and March 2013, upon receipt of information that a few Police riders had complained that they were suffering from back pain due to the use of motorcycles with engine capacity in the range of 250 to 300 cc, the hon. Member himself had raised that issue in Parliament, the Commissioner of Police issued two circulars inviting all Deputy Commissioners, Divisional Commanders and Branch Officers to submit to the Police Headquarters all written complaints received in that connection. Only three riders out of 129 users of such motorcycles have made complaints.

Nevertheless, the Commissioner of Police has already decided to amend the specifications for future procurement of motorcycles by extending the engine capacity from 250cc to the range of 240cc to 275cc to ensure a wider choice and to address this problem that the hon. Member had referred to in the past.

In regard to part (c) of the question, I am informed that all Police riders have undergone targeted training, including safe driving, riding in dense traffic conditions and defensive driving. Several refresher training sessions are conducted on a regular basis for the benefit of riders. In this context, a one-week course was conducted between 29 November and 06 December 2008 by a French Officer from the “*Section Motocycliste d’Escorte No. 1*” in France for the benefit of riders of VIPSU and the Traffic Branch. A Riders’ Development Course was organised by the Traffic Branch from 13 to 17 August of last year, that is 2012, a Defensive Driving Course was held at the Mauritius Institute of Training and Development from 02 to 22 December 2012 by foreign trainers from Singapore, an Advance Training Course in Riding Skills was dispensed by Emcar Ltd. from 14 to 21 April of last year and a training course was dispensed by representatives of Yamaha (Japan) on 19 and 20 February 2013.

**Mr Bhagwan:** Can I know from the hon. Prime Minister whether his attention has been drawn to the interference - I am sorry - of his Special Adviser, Mr B., who was in the Police Department, as a matter of security, that he has been interfering in the day-to-day work of the Traffic Department? He can give advice. Can I make a request to the hon. Prime Minister that now that he is a retired officer, he should not interfere in the running of the Traffic Department and let them do their work properly?

**The Prime Minister:** In fact, I am not aware that this has been the case and nobody is allowed to interfere. Not even a Minister is allowed to interfere in the Department of the Police.

**Mr Jhugroo:** Can the hon. Prime Minister give us a guarantee that no more smaller motorcycles will be purchased for our tall policemen like it was in the recent past?

**The Prime Minister:** The size, as I explained, Mr Speaker, Sir, depends on what they are being used for, but certainly we have taken on board what hon. Bhagwan has said in the past and that is why there has been this change in the specifications precisely to address this problem.

#### **MEDIA - REPORT**

**(No. B/495) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the media, he will state the follow up actions being envisaged by Government following the submission of the report in relation thereto by Mr G. R., QC, indicating the time frame set therefor.

**The Prime Minister:** Mr Speaker, Sir, as the House is aware, a preliminary report on media entitled “Media Law and Ethics in Mauritius” was presented to the Press by Mr Geoffrey Robertson, QC, on Saturday 13 April 2013.

This preliminary report was released to the public on that same day for views and comments by stakeholders and the public at large. It can be consulted on the website of my office as well as the website of the Attorney General's Office.

In his presentation, Mr Geoffrey Robertson, QC, had indicated that submissions should be sent to the Attorney General's Office or to the Prime Minister's website at latest by 15 September 2013.

Mr Geoffrey Robertson, QC, will then consider the proposals received and submit a final report for Government.

**Mr Obeegadoo:** I have two questions, Mr Speaker, Sir. My first question is: being given that this report is an official report commissioned by Government, why is it that the public consultation process has not been properly structured by the Prime Minister's Office so that there is a clear plan on the way forward as opposed to the vague time frame that was set forward by Mr Geoffrey Robertson?

**The Prime Minister:** I don't think it would be proper for me to start, the Opposition will themselves say that I am trying to influence what people have to say. There is a website, they have been advised to go on the website - directly if they want - to submit their comments and then, he will look at them and then, he will submit a final report.

**Mr Obeegadoo:** Mr Robertson, in the course of his press conference, also said that if he obtains the green light from Government, he will put forward a draft piece of legislation. Now, being given the reservations already aired by the hon. Prime Minister concerning the Freedom of Information Act, does that mean that there will be no green light or will the hon. Prime Minister give us the guarantee otherwise?

**The Prime Minister:** Mr Speaker, Sir, it works like this. The report is submitted by whoever but Government will analyse the report and decide whether they accept the whole report or part of the report or what they don't really agree with. And that, in fact, I am the one who drew the attention of Mr Robertson on what the former British Prime Minister said on Freedom of Information Act and I think he quotes that in his report. So, that is why we have to look at it very carefully.

**Mr Obeegadoo:** My point was that Mr Robertson intends to put forward draft legislation if he has the green light of Government. Is it Government's intention to give such green light?

**The Prime Minister:** It is Government's intention. It is in the Government Programme. Let me remind the hon. Member that in the Government Programme of 2010-2015, we had enunciated that we are going to bring this reform to media law. We again did it in the new Government Programme of 2012-

2015 and, therefore, I would be discussing with him. Once he gets all the views, then we will decide. Certainly, that is what we want to do.

**Mr Speaker:** Yes, hon. Leader of the Opposition!

**Mr Ganoo:** Does the hon. Prime Minister think that the proper legislation will come before this House by the end of the year?

**The Prime Minister:** He has asked that he wanted all the submissions to reach him so that he can see it by the latest on 15 September 2013 and then we will be starting with the Budget after that. So, it depends. I will try, certainly, because it is in my intention that I want to bring these reforms.

**Mr Bodha:** Thank you, Mr Speaker, Sir. May I ask the hon. Prime Minister whether he is aware that NGOs have proposed to conduct debates with the participation of political parties on the report and the second thing is who is going to draft the Bill to be proposed? Is it going to be Mr Robertson or is it going to be with the help of the State Law Office and what is going to be the position of Government on this matter?

**The Prime Minister:** This is what I said, we will discuss after all the stakeholders have expressed their opinion. Then, naturally it will have to be through the State Law Office, but he will be helping the State Law Office. He will be advising on the drafting of the law. He will be working together with the State Law Office in other words, and then we will come to the House. As for the debate that the hon. Member has mentioned, I have no problem against it as long as it is an informed debate, because many people do not read the report and they are expressing opinions; already this is happening.

**Mr Speaker:** Hon. Nagalingum! Wait a minute! You have got a question, hon. Mrs Labelle! The next question will be answered by the hon. Minister of Social Security, National Solidarity and Reforms Institution.

#### **REHABILITATION YOUTH CENTRE – INMATES**

**(No. B/496) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the inmates –

- (a) undergoing sentence, and
- (b) on remand at the Rehabilitation Youth Centre (RYC), he will, for the benefit of the House, obtain from the Commissioner of Prisons, information, in each case, gender wise, as to the number thereof who are (A) involved in serious offences (B) involved in minor offences and (C) categorized as child beyond control.

*(Withdrawn)*

## SRI LANKA - COMMONWEALTH HEADS OF GOVERNMENT MEETING – MAURITIUS PARTICIPATION

**(No. B/497) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Commonwealth Heads of Government Meeting to be held in Sri Lanka in November 2013, he will state if following his recent meeting with the Commonwealth Secretary-General, Government is reconsidering its participation thereinto.

**The Prime Minister:** Mr Speaker, Sir, let me just tell the hon. Members how this works out at the Commonwealth Heads of Government Meeting because not everybody would know.

At each Commonwealth Heads of Government Meeting (CHOGM), the Heads of Government choose the venues for the next two CHOGMs. Thus at the CHOGM held in Kampala, Uganda in 2007, the decision was there taken that the two next CHOGMs will be the one in 2009 to be held in Trinidad and the one in 2011 will be held in Sri Lanka. However, at the CHOGM held in Trinidad and Tobago in November 2009 the decision for CHOGM 2011 came back on the table, whether it should be held in Sri Lanka was questioned by many members. This led to an impasse on the venue of CHOGM 2011.

Following my personal intervention with other Commonwealth leaders, including the then Prime Ministers of UK and Australia, Mr Gordon Brown and Mr Kevin Rudd, and after consultation with the Head of the Sri Lankan delegation, a deal was brokered whereby Australia would host the CHOGM of 2011, followed by Sri Lanka in 2013.

I then insisted, Mr Speaker, Sir, that since it is Mauritius - it is I who came up with a solution to broker a deal - CHOGM should exceptionally in that case include Mauritius for CHOGM of 2015 and, therefore, we should add a third country for this time. This was unanimously agreed at CHOGM.

This decision was taken to give Sri Lanka additional time to implement its national reconciliation policies and to comply with its international human rights obligations.

The Perth Declaration following CHOGM 2011 reaffirmed the decision to hold CHOGM 2013 in Sri Lanka. Furthermore, on 05 October 2012, the Commonwealth Secretary-General issued an official statement confirming Sri Lanka as the official venue for the next CHOGM. I know in-between there have been consultations with various Heads of Government.

Mr Speaker, Sir, the purpose of my meeting with the Secretary-General of the Commonwealth was to have an update on the political situation in Sri Lanka and the progress that has been made on the human rights issue as far as the Tamils are concerned.

I must say that the Secretary-General was consistently asking if we intend to host the CHOGM of 2015 we need to say now. That is why I need to have a full briefing from the Secretary-General to take a decision, as I said in Parliament.

In the course of this meeting, the Secretary-General briefed me on the arrangements for the Commonwealth Heads of Government Meeting in Sri Lanka later this year and on the political situation in that country. The Commonwealth Secretary-General informed me that he was holding high level talks with the political leadership in Sri Lanka on this issue.

In this regard, the Secretary-General pointed out that the Commonwealth has provided a number of recommendations on best practices to the Sri Lankan Government.

I was informed, Mr Speaker, Sir, that since the end of the conflict in 2009, the only Province which has not held elections is the Northern Province which has a Tamil majority. The remaining eight Provinces are all controlled by the Government. The Secretary-General stated that he has constantly encouraged Sri Lanka to hold Provincial Elections in the Northern Province as per the recommendations of the Human Rights Councils resolutions. The Secretary-General has also urged the political leadership of Sri Lanka to stand by its own commitments with regard to the holding of these elections.

I stressed upon the Secretary-General that the Commonwealth should ensure that these elections are held before CHOGM 2013.

Mr Speaker, Sir, the Secretary-General has informed me that he expected all the Commonwealth Countries to be represented at the highest level in Sri Lanka. He added that Mauritius being the Host Country for the 2015 Commonwealth Heads of Government Meeting, it is essential that as Prime Minister of the Host Country I should attend the meeting in Sri Lanka this year. I accordingly propose to do so.

I wish to emphasise that the position of Mauritius is consistent with that of the UK and Australia and like-minded Commonwealth Countries which put engagement at the forefront of the approach to Sri Lanka.

Furthermore, the Secretary-General discussed the practicalities for the CHOGM 2015 and stressed that it is the usual practice for the next host country to send a full team to look at the whole

organisational arrangements usually due for CHOGM, that is, the next CHOGM that they would host. I agreed to send an advance party for the two meetings to be held in August.

Mr Speaker, Sir, let me also reaffirm that Mauritius will never be indifferent to the Human Rights situation in Sri Lanka. Mauritius, as a multi-ethnic and multi-religious society, places social harmony as one of its highest priorities in its sustainable development strategy. To this end, the Government is committed to uphold the highest standards insofar as respect for fundamental human rights is concerned. Our policy is to call for a meaningful engagement with the political leadership in Sri Lanka through a process of political dialogue and confidence building. In this perspective, Mauritius has always responded positively to calls from the international community, through the Human Rights Council, to enable an independent international report to be prepared detailing the events of the final month of the war in Sri Lanka.

I would like to mention that in March 2012 Mauritius worked closely with the international community for the adoption of a resolution by the Human Rights Council for the promotion of reconciliation and accountability in Sri Lanka. In that resolution the Council noted with concern that the report of the *Lessons Learnt and Reconciliation Commission*, which was set up by the Government of Sri Lanka, did not adequately address serious allegations of violations of international law and called upon the Government of Sri Lanka to implement the constructive recommendations made in the report of the Commission and also to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans.

Mr Speaker, Sir, we believe that, since the 30-year civil war that plagued the country has now come to an end, Sri Lanka must reach out to the people by building trust, national reconciliation, resettlement of internally displaced people and reconstruction programmes, release of political prisoners and respect for the civil, political, economic, social and cultural rights of all its citizens, including those of minorities.

At bilateral level, Mauritius has, through dialogue, encouraged Sri Lanka in its post-war healing efforts. Our participation in the forthcoming CHOGM in Colombo will allow us to promote this dialogue and engage further with the Sri Lankan Government with a clear message about our concerns and about the need for Sri Lanka to live up to the values of the Commonwealth.

**Mr Nagalingum:** Is the hon. Prime Minister aware that the Post-War Peace Reconciliation Process in Sri Lanka has been seriously compromised because the Sri Lankan Government is still violating the conditions imposed by the United Nations Rights Commissions?

**The Prime Minister:** That is why we voted against that at the UN, Mr Speaker, Sir, as I have mentioned, and that is why I stressed with the Secretary- General and he also stressed that they are putting pressure on Sri Lanka. It must respect the engagement taken.

**Mr Ganoo:** Mr Speaker, Sir, in spite of all the undertakings and commitments taken by the Sri Lankan Government, we know it as a fact that abuses and violations of human rights continue unabated in this country. The hon. Prime Minister has informed us, therefore, that Government has already taken its decision to attend the Summit. But, in view of what was said a few days ago, weeks ago by the Deputy Prime Minister Nick Clegg, attacking the lack of press freedom in Sri Lanka, speaking of unspecified consequences if the Sri Lankan Government continues to ignore the international commitment, referring to the suppression of press freedom with politically motivated trials, assaults on lawyers, despicable human rights violence. All these comments, Mr Speaker, Sir, came from the mouth of Deputy Prime Minister Nick Clegg! Does not the hon. Prime Minister think, in spite of his endeavours to justify his attendance at the Summit, he should not, as Prime Minister, personally attend, and leave it to his Minister of Foreign Affairs to participate and to do the needful, although we all know that the next conference will be hosted by our country!

*(Interruptions)*

**Mr Speaker:** Silence!

*(Interruptions)*

Order, please!

**The Prime Minister:** It is a disservice that they are doing to you. But let me say, Mr Speaker, Sir, that I explored all this with the Secretary-General. There was a long meeting - nearly one and a half hour - with his own team, not just him, and we had a team with us also. He said to me, I must say, that not everything that is alleged is true, but some of them are true. That is why pressure is being put on the Sri Lankan Government. That is why I insisted also that he must hold these elections. What Deputy Prime Minister Clegg said in Parliament is exactly what I am saying also, namely that there will be consequences if he does not do what has to be done as far as human rights are concerned. But he also stressed that it would be unprecedented for the Prime Minister of the host country not to be there. In other words, we cannot not be there because there is a whole procedure to be followed; there is a speech for the Prime Minister of the host country to make. That is the difficulty that we have.

**Mr Nagalingum:** Is the hon. Prime Minister convinced that there is no longer any genocide in Sri Lanka, and that the Tamil community has equal rights now?

**The Prime Minister:** I cannot say that, Mr Speaker, Sir - it is not for me! But this is what the Secretary-General and the UN are doing to ensure that this is the case. I agree with the hon. Leader of the Opposition that we are not satisfied. That is why! Otherwise, we would not have had to have this meeting in the first place. We want this to go further and quicker, and we want to ensure that they hold these elections in the Northern Province, which hasn't been held since 2009.

**Mr Baloomoody:** The hon. Prime Minister wants us to believe that he went to London to meet the Secretary-General of the Commonwealth, so as to have an idea of the situation in Sri Lanka. Did he not think it fit to take the opportunity, when he was in London, to meet the NGOs that are working for the Tamils in Sri Lanka, and also the Secretary-General of the Commonwealth Parliamentarians, the Commonwealth Bar Association who have given recently damning reports, showing clearly that there is general violation of human rights, be it against women, children, and also the judiciary which is not functioning? There is pressure everywhere against the minority.

**The Prime Minister:** Mr Speaker, Sir, let me assure the hon. Member that I don't think it is right for the Prime Minister to go and meet every NGO. I have to deal with the Secretary of the Commonwealth to ensure, first of all, who is not going to Sri Lanka, whether it is going to be held in Sri Lanka, what is the progress that is being made. I must tell the hon. Member again that not only the Secretary-General but others also have said that not everything that is being alleged is true, as obviously can be the case.

*(Interruptions)*

No! You have to listen what are the words that I am using! Not everything that is alleged is true, but there are some things that turn out to be true, and that is why this pressure is being put on the Sri Lankan Government because they are refusing to have the elections in the Northern Province since 2009. That has to be held. There will be consequences if they don't hold it. That is what I said.

**Mr Obeegadoo:** Mr Speaker, Sir, being given the growing body of opinion calling for the boycott, for the cancellation of that Summit in Sri Lanka, is he aware that includes not only NGOs such as Human Rights Watch and Amnesty International but the British Opposition, former Minister Rifkin, the Bar of England and Wales? Is the hon. Prime Minister aware that Canada has adopted a very strong stand and will not participate? Is he aware of the political problems in India as a result of this? And do I...

**Mr Speaker:** Hon. Member, I have to interrupt you. Time is up, however I am allowing you some more time to put your question. Shorten your question.

**Mr Obeegadoo:** I shall sum up. Do we understand the hon. Prime Minister to be telling us that, in order to salvage the next Summit in Mauritius, we have to go and attend this Summit in a country that is not respecting the fundamental values of the Commonwealth?

**The Prime Minister:** Mr Speaker, Sir, I thought I made it plain. The Secretary-General has assured me that they took the decision in October 2012. I think I mentioned that he issued an official statement confirming Sri Lanka as the official venue for the next Summit. There were discussions; they didn't just issue that communiqué just like this. There were discussions among members. He has now told me that, as far as he was concerned, on the day that we met, there is no question of any Commonwealth countries not attending. They have decided on balance that it is best to hold it and to put pressure on Sri Lanka instead of allowing Sri Lanka to do what it wants as far as human rights are concerned. One of the issues is why it is not holding the elections for the Tamil community, where they are in majority in Northern Province. He has consistently refused to hold these elections. He must hold these elections because he is controlling all the other provinces. All the human rights issues have been raised. There have been discussions with other Prime Ministers of the Commonwealth, and that is when the decision was taken. That is the issue: that the Commonwealth Heads of Government meeting is going to be held. Finally, this is the place where they decide whether it will be held or not held. I, myself, as I said, intervened; I managed to change that position in Trinidad and Tobago when Sri Lanka did not want to give in. So, that is why I have to go by what the Secretary of the Commonwealth says, and he has assured me that this is going to be held and that every other country is attending.

**Mr Speaker:** Time is up! Question addressed to hon. Ministers. The Table has been advised that PQ B/500 has been withdrawn. Now, I have an announcement to make that the hon. Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping has informed me that he has to attend a funeral, and has asked leave for Parliamentary Question Nos. B/503 and B/509 addressed to him be taken out of turn. I have acceded to his request. Then, I would invite Dr. hon. Sorefan to put PQ B/503.

#### **SAVANNE & BLACK RIVER – POVERTY ALLEVIATION**

**(No. B/500) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to poverty, he will state –

- (a) if any survey has been carried out to identify the pockets thereof and if so, the number thereof, indicating those located in the region of Savanne and Black River in Constituency No.14, if any, and

- (b) the measures to be taken in regard to poverty alleviation.

*(Withdrawn)*

### **RING ROAD PHASE 1 PROJECT – CONSULTANT - FEES**

**(No. B/503) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Ring Road Phase I Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to –

- (a) the fees paid to the Arab Consulting Engineering Ltd. for the review and supervision of the design thereof, and
- (b) if any additional fees was claimed in respect of variation works, if any, and, if so, the amount thereof.

**The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, the fees paid to Arab Consulting Engineering Ltd for the review and supervision of the Ring Road (Phase 1) as at date are MUR 8,365,693.92 and USD 1,098,289.53.

I am advised that no additional fees were paid to consultant in respect of variation works.

**Dr. Sorefan:** Mr Speaker, Sir, may I know from the hon. Minister whether this Arab Consulting Engineering Ltd was registered locally for this project only?

**Mr Bachoo:** Mr Speaker, Sir, I have to check this. But, in case that consultant has been allowed to work in the country, he might have been an international consultant who has been recognised by Mauritius.

**Mr Uteem:** May I know from the hon. Vice-Prime Minister whether this Arab Consulting Engineering Ltd has recruited any local engineers, qualified in Mauritius, to help them in this assignment?

**Mr Bachoo:** As far as I know, I don't think that they have recruited any engineer. In fact, most of the engineers were coming from Egypt.

**Mr Roopun:** Does not the hon. Vice-Prime Minister think that it should be part of any consultancy contract given to foreigners that they share their knowledge with local engineers, so it can be of benefit to the country in the long run?

**Mr Bachoo:** In fact, they share their knowledge with the engineers who are at the RDA and with the institution with which they are working. But, in fact, the law does not provide. It is not compulsory for them to recruit any engineer.

**Mr Baloomoody:** Consulting Engineering Ltd was recruited for Ring Road Phase I Project. May I know whether they are still in the country and, if so, whether they are working for other firms?

**Mr Bachoo:** I am not aware about other firms, but they are still in the country because certain works had to be done by them as far as the Ring Road was concerned.

**Mr Roopun:** Could the hon. Vice-Prime Minister consider that, in the future, whenever foreign consultants are appointed there is a specific provision so that they also employ local engineers or whatever professional in that field, because of the unemployment problem we have with our own people?

**Mr Bachoo:** I will have to take up this matter with the institutions concerned.

**Dr. Sorefan:** The hon. Vice-Prime Minister has mentioned that he does not know about this consultant working for others, but if he finds out that...

**Mr Speaker:** No ‘if’! No hypothetical question!

**Dr. Sorefan:** Sorry, Mr Speaker, Sir. The Arab Consultants are working here after this project, and in that situation, following that the hon. Vice-Prime Minister finds out that the company has no right to work, can we know whether he will take action?

**Mr Bachoo:** That depends. The institutions responsible will have to take care of them, because as far as we are concerned, as RDA, we have enlisted the services of those consultants to come and work for our project. Once our project is over, we have nothing to do with those consultants. If they go against the law, then they will have to pay the consequences.

#### **RICHE TERRE – ROAD PROJECT**

**(No. B/509) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the road works along the road adjacent to Jin Fei Industrial Zone leading to Tombeau Bay, he will, for the benefit of the House, obtain from the Road Development Authority, information as to –

- (a) the contractual start and completion date thereof;
- (b) the value thereof, and
- (c) if any extension time has been requested by the Contractor and if so, the reasons therefor.

**The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr. A. Bachoo):** Mr Speaker Sir, as regards part (a) of the question, the

contractual start date for the Upgrading of Riche Terre Road (B33) project was 26 October 2012 and the contractual completion date is 22 June 2013.

As regards part (b), the contract value of the project is Rs89,322,306.95.

As regards part (c), the contractor has submitted a request for extension of time up to end of October 2013 for the following reasons –

- (i) relocation of existing services;
- (ii) renewal of CWA pipeline due to poor state and recurrent leakages;
- (iii) objection of land owners to allow entry on site; for example two plots of land which was under receivership were denied access till 22 May 2013. An additional plot of land had to be acquired compulsorily, and
- (iv) bad weather.

The request of the contractor is being currently examined by the Road Development Authority.

**Mr Lesjongard:** May I ask the hon. Vice-Prime Minister whether the said contractor has left the site?

**Mr Bachoo:** No, Sir. They are still on the site.

**Mr Lesjongard:** May I ask the hon. Vice-Prime Minister whether he is aware that there are hardly two or three workers on site for a project which is worth Rs89 m.?

**Mr Bachoo:** Mr Speaker, Sir, they are bound to complete the work on time or else they will have to pay liquidated damages. They are bound once the request is acceded to. I have just mentioned that there were two plots of land which were under receivership and they had been denied access on that plot of land. After negotiation, they have been allowed recently. Another plot of land has been acquired compulsorily. So, as far as we are concerned, once extension of time is given and they do not complete the work, they will have to pay the consequences.

**Mr Lesjongard:** With regard to this contractor, may I ask the hon. Vice-Prime Minister whether there has been a performance appraisal carried out at the level of his Ministry or at the level of the Public Procurement Office, because we understand that the said contractor has obtained lately a number of contracts and the workforce in Mauritius - because it is a foreign workforce – has remained the same?

**Mr Bachoo:** Mr Speaker, Sir, this particular contractor has received the contract and have passed through the proper channel, that is, the CPB. In any project which was above Rs100 m. they had to get the contract through CPB and whichever was below Rs100 m., that was through the RDA Board.

Secondly, as far as appraisal is concerned, I am perfectly aware of it. There are about five projects which they have undertaken. They are working in five projects and in most of the cases they are on time, with the exception of this one, where the responsibility also befalls on us, because we have not been able...

*(Interruptions)*

Let me complete!

**Mr Speaker:** Silence!

**Mr Bachoo:** If they do not want to listen...

*(Interruptions)*

**Mr Speaker:** Listen, please!

**Mr Bachoo:** I am just telling that the appraisal has been done internally in the RDA. I have gone through all of them and I have seen that there has been a slight delay in one or two cases. This one has been a case where we have not been able to offer them the land because there was a problem as the land was under receivership; secondly, we had to acquire a plot of land. The second project which they are looking after is Providence, Quartier Militaire to Wooten. There also, there has been a slight delay, not because of their fault, but because we had to acquire land and acquiring land takes a bit of time. As far as the other projects are concerned, more or less they are on time. I am not here to defend any contractor, nor am I here to defend that particular contractor. I am following that contractor carefully almost on a day-to-day basis. If he fails anywhere, he will have to pay. I can give the assurance to the House that the contractor will have to pay for the consequences. We are looking at the quality also thoroughly.

**Mr Ganoo:** Can the hon. Vice-Prime Minister tell the House whether any advance payment has been made to this contractor? Will he elucidate on the penalty clause to be found in this contract and how much security has been paid by the contractor?

**Mr Bachoo:** I am going to submit to the House a list of the projects as well as the amount of money which had been paid according to law, according to the contract. All the details will be submitted on the Table of the Assembly.

**Mr Bhagwan:** We are here to defend the public, the taxpayers' money. Is the hon. Vice-Prime Minister aware there are connivance - I know what I am saying - between not only the contractor but officers of the RDA and the consultant, and the public is losing money? So, can I ask the hon. Vice-Prime Minister whether he will request the Director of Audit or the Ministry of Finance to carry out a detailed report on all the works performed by Sinohydro here and which is doing a lot of harm to the country?

**Mr Bachoo:** Mr Speaker, Sir, I am not going to cast aspersions on anybody. I maintain and I have just given assurance to the House that I am following that contractor very closely and I want to see to it that whatever contract ...

*(Interruptions)*

**Mr Speaker:** Allow the hon. Vice-Prime Minister to answer, please!

**Mr Bachoo:** ... which has been awarded legally to the RDA has to be properly executed. This is what I've said and if in case there is any unnecessary delay, then they will have to pay for the consequences. We have made the appraisal and we are following it.

*(Interruptions)*

**Mr Speaker:** Hon. Bhagwan!

*(Interruptions)*

Silence!

**Mr Uteem:** Mr Speaker, Sir, may I know from the hon. Vice-Prime Minister what is the percentage of work that has been completed on this project and how much money has been paid on that project to date?

**Mr Bachoo:** That's why I have mentioned that I am not aware of how much money has been paid. I am going to submit...

*(Interruptions)*

I am not...

*(Interruptions)*

Mr Speaker, Sir, as far as the quantum of money paid, that is not the responsibility of the Minister to say how many rupees RDA is paying.

*(Interruptions)*

**Mr Speaker:** Silence! If you want the hon. Vice-Prime Minister to answer, you have to keep quiet. Hon. Lesjongard!

**Mr Lesjongard:** Thank you, Mr Speaker, Sir. In replying to a question earlier on, the hon. Vice-Prime Minister has stated three reasons why that contractor is asking for an extension of time. Two reasons are linked to the relocation of existing services and compulsory acquisition of land. This has to be done and the hon. Vice-Prime Minister is well aware of that; prior to allocating the contract, not after.

The third reason is because of bad weather. Mr Speaker, Sir, work is being carried out in Riche Terre and we all know it is a dry area.

**Mr Speaker:** Hon. Lesjongard, I am still waiting for your question.

*(Interruptions)*

If you have no question ...Hon. Bhagwan!

*(Interruptions)*

Silence! There is a question.

**Mr Bhagwan:** Do I understand that the hon. Vice-Prime Minister is refusing to give to the country an independent inquiry on all the works performed by Sinohydro?

**Mr Bachoo:** Mr Speaker, Sir, there was no question of any independent inquiry. I just heard about the reasons which had led to the delay. The House should be made aware that all the CWA pipes in that region are already rusted; all are being changed, and you are bound...

*(Interruptions)*

No! Once the work started, the CWA...

*(Interruptions)*

**Mr Speaker:** No interruption!

**Mr Bachoo:** Once the work started, the CWA made the request to RDA to see to it that the pipes have to be changed and the pipes are being changed, they are providing the fittings. That has taken time.

Secondly, I have mentioned that access was denied on two plots of land which were under receivership, then we had to negotiate.

Thirdly, as far as land acquisition is concerned, once project starts - there are hundreds of cases which I can prove. The need is felt to acquire additional land, and once land acquisition starts, that takes six months to one year. So, we have to obey...

*(Interruptions)*

I say if they do not want to listen, I am not here to answer, that's all.

*(Interruptions)*

**Mr Ganoo:** Mr Speaker, Sir, when the question was asked to the hon. Deputy Prime Minister some weeks ago through a PNQ regarding the same contractor in relation to the project of Arnaud, the

hon. Deputy Prime Minister, to his credit, gave this House the percentage of works completed. Can the hon. Vice-Prime Minister do the same today and tell us what is the percentage of works completed in this project?

**Mr Bachoo:** I have got no problem. I have just mentioned that there is a delay and they have asked for extension of time. I am going to submit to the House not only on this project but on all the projects which are being undertaken by this contractor. I do not have any problem.

**Mr Soodhun:** Taking from what the hon. Vice-Prime Minister has just mentioned in the House that he is monitoring day-to-day, will the Vice-Prime Minister inform the House and through the House, the nation that the work is being carried out at night and whether there is any engineer who is supervising the work, especially at night and in the daytime, there are only a few prisoners who are working?

**Mr Bachoo:** Mr Speaker, Sir, I am not aware of any prisoner who is working...

*(Interruptions)*

They have to complete...

*(Interruptions)*

Mr Speaker, Sir, well, I do not know who is the prisoner among the workers. I am not aware of this.

*(Interruptions)*

Whether the Chinese Government allows the exportation of prisoners to Mauritius, I am not going to pass judgement on any State outside Mauritius.

*(Interruptions)*

Secondly, the amount of work...

*(Interruptions)*

**Mr Speaker:** Silence, please!

*(Interruptions)*

Yes. You have finished? Yes, hon. Lesjongard!

*(Interruptions)*

Put your question again!

**Mr Soodhun:** I have asked whether the work is being done.

**Mr Speaker:** The hon. Member should put the question again. He will get the chance to do so.

**Mr Lesjongard:** May I ask the hon. Vice-Prime Minister since there has been considerable delay in the execution of this project and the reasons put forward by the contractor for extension of time are frivolous, will he agree to cancel that contract and allocate it to a new contractor?

**Mr Bachoo:** If the hon. Member is willing to pay for all the compensation that are met by that contractor...

*(Interruptions)*

**Mr Speaker:** Silence!

*(Interruptions)*

No, wait please! Silence! I am on my feet now!

*(Interruptions)*

I am on my feet! I want complete silence! Hon. Vice-Prime Minister, it is your duty to answer a question.

**Mr Bachoo:** Yes, I am going to answer.

**Mr Speaker:** The manner the hon. Vice-Prime Minister answered his question is not proper!

*(Interruptions)*

**Mr Bachoo:** Mr Speaker, Sir, I have just mentioned that the contractor has requested for extension of time and the matter is being looked at by the RDA. I have today repeatedly been telling what were the reasons for which they have been asking for extension of time. If the RDA finds that plausible, they will have to give the extension of time. How much time will be given will depend on the RDA and the engineers who are working on that. But I have already told and I, again, give the assurance to the House - but I cannot, I do not have any legal right to stop a contractor who is doing its work. If there is any failure, the RDA will have to take the actions that need to be taken.

*(Interruptions)*

**Mr Baloomoody:** The hon. Vice-Prime Minister stated that...

*(Interruptions)*

**Mr Speaker:** I am sorry, the hon. Member is interrupting his own colleague. Please, keep quiet!

**Mr Baloomoody:** The hon. Vice-Prime Minister told us that he is following that work closely. Can I ask him a simple question? How many workers are working on this particular site and how many workers this contractor has brought in Mauritius?

**Mr Bachoo:** Well, I do not know how many workers the contractor has brought and I do not know how many workers exactly are working on different sites. But one thing that I can tell the House is that my duty as a Minister is to see to it that the work is completed on time and legally whatever extension of time is to be granted will have to be done ...

**Mr Speaker:** No, hon. Vice-Prime Minister, I am sorry, the question is not on time!

*(Interruptions)*

**Mr Soodhun:** I would like to ask the hon. Vice-Prime Minister who is responsible for the RDA, which Ministry? If it is the Ministry of Public Infrastructure, will the hon. Vice-Prime Minister confirm that the night duty performed by the Sinohydro Construction is completely out of the rules and regulations of the RDA?

**Mr Bachoo:** Mr Speaker, Sir, I am responsible as Minister for the RDA. I give directives of general nature to the RDA. This is number one.

Secondly, the whole responsibility of looking after road projects depends on the RDA and it has got competent engineers and for each project we have one or more engineers who are working. They prepare the report and in case there is any work which is defective, it is the responsibility of those engineers to see to it and exert pressure on the contractor. In case there is any failure on the part of the contractor, definitely action will have to be taken. The RDA and the engineers have that much of liberty and freedom! My duty is to supervise and have a look at it and to see to it that public money is properly spent.

**Mr Ganoo:** Does not the hon. Vice-Prime Minister who is an experienced Minister and who has been heading this Ministry for so long, agree with me that this stratagem, the trick and the colourable device of this contractor is to quote 30, 40 or 50% less than the other contractors? He is awarded the contract and then later he asks for extension of time and then he comes up with all sorts of demands and pretexts. Then he is always late in his contracts. Does not the hon. Minister have the responsibility, as a Minister accountable for the public Body to liaise with the CPB and the PPO to watch out this contractor and to see to it that he is banned, disbarred and suspended as the law provides in case he defaults again?

**Mr Bachoo:** Mr Speaker, Sir, there is a question which has been asked and I am giving a written answer where I have clearly spelt out on all the projects how many days delay there are and what are the causes for the delay, and where extension of time has been granted. If I am satisfied and my Ministry is satisfied that there has really been a deliberate move on the part of the contractor then definitely we are going to take actions. I have been repeatedly telling that I am going to take action. But I am not going to take action where we are on illegality, we have to see to it that whatever request is made by the contractor

is justified or not. If it is justified, they will get it and if it is not justified we are going to write to the PPO. I do not have any problem. In the past, we had written to the PPO against contractors.

**Mr Speaker:** One last question! Hon. Jhugroo!

**Mr Jhugroo:** Being given that the hon. Vice-Prime Minister mentioned that he was following...

*(Interruptions)*

Being given that the hon. Vice-Prime Minister mentioned that he was monitoring all these projects closely on a daily basis, how come he does not know how much has been paid to this company?

**Mr Bachoo:** Definitely, Mr Speaker, Sir, as far as payment is concerned, I do not poke my nose on payment...

*(Interruptions)*

I do not poke my nose...

*(Interruptions)*

I do not have...

*(Interruptions)*

Mr Speaker, Sir, I do not...

*(Interruptions)*

Let me speak!

*(Interruptions)*

I do not have anything...

*(Interruptions)*

**Mr Speaker:** Well, if the hon. Members are going to disturb the Vice-Prime Minister, they will not get any answer! Proceed hon. Vice-Prime Minister!

**Mr Bachoo:** I do not have...

*(Interruptions)*

**Mr Speaker:** Silence now!

*(Interruptions)*

**Mr Bachoo:** Mr Speaker, Sir, payment is not my concern, the authorities look after it. I have to see to it that the project is implemented on time and the quality of work is good because I am answerable to Parliament and I am answerable to the public.

**Mr Speaker:** That is a proper time to break. I suspend for one and a half hours.

*At 1.01 p.m. the sitting was suspended.*

*On resuming at 2.34 p.m. with Mr Speaker in the Chair.*

#### **MINISTRY OF EDUCATION & HUMAN RESOURCES - MRS S. B. – RECRUITMENT**

**(No. B/501) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Civil Service and Administrative Reforms whether, in regard to Mrs S. B., presently posted at the Ministry of Education and Human Resources, he will state –

- (a) the date of her first recruitment in the Public Service, indicating –
  - (i) in what capacity, and
  - (ii) the Ministry at which she was posted
- (b) if the post was advertised, and
- (c) the different posts she has occupied as at to date.

**The Minister of Business, Enterprise and Cooperatives (Mr J. Seetaram):** Mr Speaker, Sir, with your permission, I shall reply to this question.

I am informed that Mrs S. B. was first recruited, under delegated power of appointment by the Public Service Commission on 20 September 2006 as Handy Worker on a casual basis in the Ministry of Labour, Industrial Relations and Employment.

As regards part (b) of the question, I am informed that the post was not advertised in view of delegation of powers by the Public Service Commission as is the case for the recruitment in such grades in the Public Service.

Concerning part (c) of the question, I am informed that Mrs S.B. assumed duty on secondment at the Ministry of Education, Culture and Human Resources on 15 September 2008. Subsequently, she was transferred to that Ministry as from 01 February 2010. She still holds the same substantive post until now.

**Mr Jhugroo:** Can the hon. Minister inform the House how many candidates have applied, who went for the interview and who chose the panel to do that interview?

**Mr Seetaram:** Mr Speaker, Sir, I am not aware of the interviewees and the panel. If the hon. Member comes with a substantive question, obviously, I would reply.

**Mr Jhugroo:** Can the hon. Minister confirm whether there was only one candidate?

**Mr Speaker:** No, the word 'confirm' is not allowed. The hon. Member can change the word.

**Mr Jhugroo:** Can the hon. Minister state whether there was only one candidate who went for that interview?

**Mr Seetaram:** Again, Mr Speaker, Sir, I cannot confirm this. I would need notice of it.

**Mr Jhugroo:** Can the hon. Minister inform the House as to who gave instructions to transfer Mrs S. B. from the Ministry of Labour, Industrial Relations and Employment to the Ministry of Education as soon as the Minister of Education took office in year 2008, and why her name had been on the establishment and payroll ...?

**Mr Speaker:** No. I am not interrupting you. I just want to guide you. In trying to ask a question you have, in fact, asked several questions. Come with one question at a time! You will be given the chance to do so.

**Mr Seetaram:** In fact, from the information I have, Mr Speaker, Sir, she was appointed by the Ministry of Education on 01 February 2010, that is, she was transferred there. That is all that I have.

**Mr Jhugroo:** Can the hon. Minister give us the reason for this immediate transfer?

**Mr Seetaram:** I say it again. I have only information concerning the date and the transfer. I do not know whether it is immediate or not.

*(Interruptions)*

**Mr Speaker:** Follow the trend of your answer. So, you better come with substantive questions to get better answers with the substantive Minister. This is what I advise.

**Mr Seeruttun:** Mr Speaker, Sir, will the hon. Minister inform the House whether - because in his reply, he just mentioned that lady was employed on a casual basis - that lady is still on a casual basis at the Ministry of Education?

**Mr Seetaram:** She was employed ...

*(Interruptions)*

**Mr Speaker:** Well, I have to intervene. If she is actually working at the Ministry of Education, your question is better put to the said Ministry.

*(Interruptions)*

May I continue? He is answering in lieu and stead of the Minister of Labour. So, it makes a difference between the two Ministries.

**Mr Jhugroo:** Can the hon. Minister confirm whether it is in the scheme of service ...?

**Mr Speaker:** The word 'confirm' is not allowed.

**Mr Jhugroo:** Can the hon. Minister state whether it is in the scheme of service of Mrs S. B. to travel in company of the hon. Minister?

**Mr Speaker:** Look, the question as it has been asked ...

*(Interruptions)*

May I? Your question targets the Ministry of Labour.

*(Interruptions)*

Wait a minute! The matter rests with the Ministry of Labour. Confine any supplementary question you may put with regard to my guidance, that is, any question should be in connection with matters that fall within the jurisdiction and competence of the Minister of Labour.

**Mr Jhugroo:** Can the hon. Minister state whether it is in the scheme of service of Mrs S.B. to accompany ...

**Mr Speaker:** No. Last time, I said something about the way you put your question. Please, I will not tolerate colourable device again. I said you follow my guidance. You may put any supplementary questions. I will allow them if the questions concern the Ministry of Labour, that is in respect of the period when that particular person was working there.

**Mr Jhugroo:** Mr Speaker, Sir, my question was addressed to the Minister of Civil Service Affairs.

**Mr Speaker:** Personally, as Speaker, I do not have any control on who should answer a particular question. This is the decision of Cabinet. Well, I am bound to accept it as it is. That is why I have suggested that the hon. Member should come with a substantive question. Next question!

*(Interruptions)*

No crosstalking! Hon. Dr. Sorefan!

**PALMAR - STATE LAND - LEASE**

**(No. B/502) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Housing and Lands whether, in regard to State land leased at Palmar (ex-livestock), he will give a list of the lessees thereof, indicating in each case the extent and purpose thereof.

**Dr. Kasenally:** Mr Speaker, Sir, it was in 2008 that Government decided that a Master Plan be prepared for the judicious utilisation of the State land formerly occupied by the Livestock Breeding Station at Palmar. This Master Plan provides, *inter alia*, for hotel sites, bungalow sites, a major commercial site, a major leisure and recreational centre, a public parking area, a central link road serving the inner plots and connecting to the coastal road, and a pedestrian/cycling/jogging track. The site will need to be provided with infrastructural facilities such as access roads, electricity and water network.

Mr Speaker, Sir, in the context of what the Master Plan provides, as I have just mentioned, a number of applications for lease of various plots of land were received, studied, and processed in accordance with the conditions governing the grant of lease, starting with the grant of reservation letters. The exercise is in progress.

The list of successful applicants is being compiled and will be placed in the Library with the specifics requested as soon as the compilation exercise has been completed which should not take much time.

**Dr. Sorefan:** Well, I hope the list is not too long to be compiled since ...

**Mr Speaker:** No comment.

**Dr. Sorefan:** Can we know if any lease has been signed to any lessee?

**Dr. Kasenally:** A number of leases have been signed, but this will be in the list which I will be compiling, I will give you the exact date. The reservation letter has been given and also the lease, if any, which has been signed.

**Dr. Sorefan:** May I know from the hon. Minister whether Mr Gooljaury and Mr Goolfee form part of that lessee list?

**Mr Speaker:** Well the Minister has answered and said that a list will be circulated. Once the list is circulated and if the hon. Member is not happy, he may come again with supplementary questions, but better avoid mentioning names.

**Mr Jhugroo:** Mr Speaker, Sir, can we have a time frame when this list will be tabled?

**Mr Speaker:** Yes, question allowed.

**Dr. Kasenally:** Yes, Mr Speaker, Sir, in fact, I made a reference that it will be done expeditiously, perhaps within the next four weeks.

**Mr Uteem:** May I know from the hon. Minister whether in respect to the State Land there were more than one application and if this is the case what criteria was used for his Ministry to allocate the land to the successful applicants?

**Dr. Kasenally:** In fact, I said that there were a number of applications - more than one - and the criteria for the allocation of the land is submission of a project write up, source of financing, clarity, specificity, project cost and number of jobs to be created.

**Mr Roopun:** Could the hon. Minister inform us about the type of project for which the land has been given and whether there has been any public request for application?

**Dr. Kasenally:** Look here, if the hon. Member had listened carefully – I have made it quite clear what it is meant for. It was made, as I have said – I have repeated for hotel sites, bungalow sites, major commercial sites, major leisure and recreational centres. These are the projects that would be considered.

**Mr Baloomoody:** The hon. Minister just mentioned that one of the criteria is creation of job. May I know from those who have benefited from a plot of land how many jobs have been created?

**Dr. Kasenally:** Well, I don't have what you call ...

**Mr Speaker:** The hon. Member may come with a substantive question.

**Dr. Kasenally:** I don't have the answer for that, but the projects are ongoing and when completed then we can have an idea. The problem is that there is still a lot of infrastructural works to be done, most of them are not finished and therefore when the time comes we will probably give you an idea.

#### **BLACK RIVER & SAVANNE - FISHERMEN - REGISTRATION**

**(No. B/504) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Minister of Fisheries whether, in regard to the fishermen, he will state the number thereof in the District of Black River and Savanne who have, since 2010 to date, applied for registration, indicating the number of applications –

- (a) approved, and
- (b) not yet approved.

**Mr Von-Mally:** Since 2010 to date, 123 applications for a fisherman card have been received from the District of Black River and Savanne. In addition 258 applications have also been received from other regions of the island. However, these applications are not being processed by my Ministry since

2010 given that the production in the lagoon has been dropping significantly over the years from 947 tonnes in 2005 to 705 tonnes in 2012. I wish to highlight that there are already 443 registered fishermen in Black River and 259 in Savanne and the total number of registered fishermen in Mauritius stands at 2156.

Adopting a precautionary approach as guided by the FAO Code of Conduct for Responsible Fisheries to allow regeneration of fish stocks, my Ministry is not issuing fishermen cards since 2010. I must inform the House that my Ministry is sparing no effort to reduce fishing pressure in the lagoon. To this effect, lagoon fishermen are being relocated to fish around Fish Aggregating Devices (FADs) in the open sea.

My Ministry is also promoting small-scale coastal aquaculture for the artisanal fishermen. As at now, two pilot coastal aquaculture projects in floating cages started last year at two sites, namely Grand Gaube and Trou D'Eau Douce for the fishermen in the region. Last week, on Thursday 13 June 2013 the harvest of fish proved successful after six months of culture with a catch of 200 kg Cordonnier from one cage at Grand Gaube.

Fishermen are being encouraged by my Ministry to group themselves into cooperatives and take advantage of this new venture.

**Mrs Radegonde-Haines:** Mr Speaker, Sir, given that the hon. Minister is very well aware that the demand of fishermen in the region of Savanne and Black River exceeds the supply of our natural resources in the lagoon, doesn't he consider to take action of providing the old age fishermen who are in the incapacity of using their permits with a basic retirement pension scheme and to release permits to new ones who are long awaiting for their own?

**Mr Von-Mally:** In fact, we are working in that direction concerning the cost implication and so on.

**Mrs Radegonde-Haines:** Mr Speaker, Sir, we heard the hon. Minister talking about innovations in the fishing sector. Can he consider providing technical assistance to those interested therewith and reducing the barriers of obtaining same?

**Mr Von-Mally:** Yes, I will take note of what the hon. Member is saying and we will work in that direction also.

**Mr Barbier:** Mr Speaker, Sir, the Minister just mentioned that the number of fishers who are actually working around the island has diminished, is that so? I mean that there has been no new issue of cards. Since 2005 to now I think some cards might have been retrieved or returned or even due to death

some people might have stopped working. Compared to 2005, can we know how many fishers do we have around the island and how many do we have now?

**Mr Speaker:** In fact, I have to remind the hon. Member that question No. B/504 is very ...

*(Interruptions)*

... - will you allow me - specific to a particular constituency. Your question concerns the whole island. This is my observation. Now, if the Minister wishes to answer, he may or he may not.

**Mr Von-Mally:** In fact, Mr Speaker, Sir, it is since 2010 that we have not been given new fishermen cards. In order to protect the resources of our lagoon, we don't want to come to a point where we have more fishermen than fish in our lagoon. There are about 2157 fishermen actually having fishermen cards. So, we do not intend to give new fishermen cards, but if we can retrieve the cards from older fishermen, we are working on the cost implications and give new cards to younger fishermen. I think this is the way that we must follow.

**Mr Soodhun:** The fact that the hon. Minister has opened the debate, can he inform the House how many fish landing stations exist in the north?

**Mr Von-Mally:** Mr Speaker, Sir, the question concerns Black River, it has nothing to do ...

**Mr Speaker:** You see ... now you have understood my ruling!

**Mr Soodhun:** He answered that in the whole country, he has not only answered for a specific region for the registration of the fishermen. If it would be only in the region of Black River, I would have understood. But as the hon. Minister has opened the answer, I want to open the question. In that respect, I would like to know how many fishermen have been registered in the north, I mean Trou aux Biches to Cap Malheureux, Grand Gaube and how many applications are being considered?

**Mr Von-Mally:** If the hon. Member comes with a substantive question, I will give him the answer.

**Mr Soodhun:** At least, as a Minister responsible, who knows everything in his Ministry, the hon. Minister can say how many fish landing stations exist in the north. This is very simple; two, three or one.

**Mr Von-Mally:** The question concerns the region of Black River, Mr Speaker, Sir.

**Mr Speaker:** You see it is important to be relevant when a question is answered. Hon. Mrs Hanoomanjee!

**Mrs Hanoomanjee:** Thank you, Mr Speaker, Sir. Can I ask the hon. Minister whether, in the district of Savanne and Black River, those who have applied and whose applications have not yet been

approved, this has been communicated to them or not, because I understand that the Consultative Committee...

**Mr Speaker:** No. You put a question, enough! Leave your understanding!

**Mrs Hanoomanjee:** Because the Consultative Committee is not working.

**Mr Speaker:** You have put your question. Your question is clear. Yes, hon. Minister!

**Mr Von-Mally:** Whether these fishermen have been made aware that we have received their applications. Yes.

**Mrs Hanoomanjee:** No, that the applications have not been approved. But there is no Consultative Committee.

**Mr Von-Mally:** Of course, but we...

**Mr Speaker:** Put your question again, hon. Mrs Hanoomanjee!

**Mrs Hanoomanjee:** Can I put it clearly that those who have applied and whose applications have not yet been approved - and I understand that the applications will not be approved - has this been communicated to the fishermen? There was a platform, but the platform is no longer there. There was a platform. There was a Consultative Committee, but since the demise of Mr Mathieu Laclé, this platform is not working.

**Mr Von-Mally:** In fact, it is ongoing, Mr Speaker, Sir, and it is in the process of being done.

#### **MARE CHICOSE - INHABITANTS - RELOCATION**

**(No. B/505) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Local Government and Outer Islands whether, in regard to the relocation of the inhabitants of Mare Chicose, he will state –

- (a) the number of families who have not yet received their cash compensation and title deed;
- (b) where matters stand in regard to the extended families eligible for a plot of land, and
- (c) if consideration will be given for a review of the amount of compensation in view of the escalation of construction costs.

**Mr Aimée:** Mr Speaker, Sir, as I had informed the House through Parliamentary Question Nos. 1B/161 of 2010 and B/482 of 2012, the relocation exercise of the inhabitants of Mare Chicose is being carried out in a phased manner. The first phase relates to the swapping of land and payment of compensation, which has reached a very advanced stage of implementation. Land swapping and payment

of compensation is being effected by the Notaries appointed by Government upon signature of the relevant deeds by the eligible beneficiaries.

As at date, the notarial deeds for 29 families out of 36 residential landowners in Mare Chicose who have accepted the offer of Government have been finalised and funds totalling the sum of Rs59 m., including payment of registration duties by Government, have been released by my Ministry. The respective compensation amounts have been paid to the 29 beneficiaries concerned. Moreover, I am given to understand that some seven families have already constructed and moved in their new houses at the relocation site of Marie Jeannie, Rose Belle.

Mr Speaker, Sir, as regards parts (a) to (c) of the question –

(a) I am informed by the Ministry of Housing and Lands that seven families who are residential landowners, have not yet received their cash compensation and their title deeds. The deed of exchange and payment of compensation for these families are currently being finalised by the Notaries. The reasons for the delay in processing these cases include legal issues which had to be sorted out by the landowners and disputes among heirs of the deceased landowners.

However, it is expected that the notarial deeds of these seven families will be finalised by the end of this year, subject to the impediments being cleared by the landowners.

(b) Government had agreed that the tenants and extended families living at Mare Chicose village would be offered the opportunity to buy a plot of State land at the relocation site. An initial list of 22 families, whose names were given by the late Chairman of the *Forces Vives* of Mare Chicose, were to be offered land on sale and 22 plots of State land, each of an area of about 224 m<sup>2</sup> have been reserved at Marie Jeannie, Rose Belle. Furthermore, Government has acceded to the request of the inhabitants of Mare Chicose to reduce the sale price of the land from Rs70,000 per *perche*, as recommended by the Valuation Department, to Rs33,000 per *perche*. However, as I informed earlier, the sale of State lands would entail an amendment to the State Lands Act to empower the Minister of Housing and Lands to sell portions of State land to the potential beneficiaries. In this respect, instructions have already been issued by the Ministry of Housing and Lands to the Attorney General's Office for the drafting of the Amendment Bill. In addition to the above, my Ministry, in collaboration with the Ministry of Housing and Lands, is pursuing its efforts to identify land for an additional list of some eight families who have expressed their wish to purchase land, and whose names were submitted by the current President of the *Forces Vives* of Mare Chicose.

(c) I was made aware that a written request had been made by the Chairman of the *Forces Vives* of Mare Chicose to revise upward the compensation amounts for those who have not yet received their compensation due to escalation costs. I wish to inform the House that the matter is under consideration, and the Chairman of the *Forces Vives* will be informed accordingly.

**Mr Seeruttun:** M. le président, à écouter la réponse du ministre, et quand je regarde la réponse qu'il avait donnée lors d'une PQ de l'année dernière, PQ B/482, c'est à peu près la même réponse qu'il m'a donnée. Donc, je veux savoir, depuis l'année dernière, lors de la question qui a été posée, PQ B/482, et aujourd'hui, qu'est-ce qui a été fait, parce que le nombre de personnes qui attendent encore d'être compensées n'ont toujours rien reçu. Il avait dit que le ministère du Logement et des Terres allait travailler sur un amendement à la loi pour pouvoir accorder des terres à ceux qui sont éligibles d'avoir des terres additionnelles ; toujours rien. Donc, je veux savoir qu'est-ce qui a été fait entre juillet 2012 et aujourd'hui, parce qu'il avait dit que les démarches avaient vraiment avancé ; donc, les procédures étaient à un *advanced stage*, mais aujourd'hui il redit la même chose, et rien n'a été fait, M. le président.

**Mr Aimée:** Mr Speaker, Sir, the fact of drafting the amendment to the State Land Act does not depend on me. It depends on two ministries, namely the Ministry of Housing and Lands and the Attorney General's Office. So, there are certain cases that are pending with regard to the sale of State land because my Ministry cannot entertain selling State land unless the law is amended.

**Mr Seeruttun:** M. le président, en août 2010, il y a eu une rencontre avec les habitants de Mare Chicose où il y a eu aussi un tirage au sort pour allouer les terrains dans la région de Marie Jeannie, et jusqu'à aujourd'hui ces personnes qui ont été reçues et qui ont eu leurs lots n'ont toujours rien reçu comme contrat. Peut-on savoir pourquoi ça tarde?

**Mr Aimée:** Mr Speaker, Sir, there are at least six unresolved cases which would need to be dealt with at some point in time, namely one case of alleged unlawful prescription and another case where the landowner is unwilling to be relocated from Mare Chicose village. In the first case, upon the advice of the Attorney General, no offer of land swapping and payment of compensation has been made pending the outcome of the Court case.

**Mr Seeruttun:** Encore une fois, M. le président, lors de sa réponse l'année dernière, l'honorable ministre avait dit que le gouvernement allait considérer la question de revoir à la hausse la compensation, compte tenu du retard dans l'allocation de la compensation pour la construction de leurs maisons, et il redit aujourd'hui que le gouvernement compte considérer cette requête. Peut-on savoir quand l'honorable ministre va le faire et si effectivement il va le faire ?

**Mr Aimée:** Mr Speaker, Sir, again in December 2010, a compensation amount for each individual house was raised upward by the Valuation Department in view of the rise in construction cost as recommended. Thus, over the above amount of Rs71.4 m., Government has disbursed additional funds to the tune of Rs8.8 m. to pay for the increased compensation cost relating to price escalation. The total compensation cost to be disbursed by Government to the inhabitants of Mare Chicose amounts to some Rs80.2 m.

**Mr Seeruttun:** M. le président, une dernière question. En ce moment, à Mare Chicose il y a des familles dont les grands-parents ont reçu leurs contrats ; ce qui nous indique qu'ils vont bouger dans les mois à venir. Ce sont des personnes qui s'occupaient des enfants des familles dont la maman et le papa travaillent. Aujourd'hui, avec une situation où les grands-parents vont devoir bouger dans leurs nouvelles maisons à Rose Belle, les parents doivent toujours rester à Mare Chicose parce qu'ils n'ont toujours pas reçu leurs contrats, donc ils ne peuvent pas construire leurs maisons à Rose Belle. Il se trouve que maintenant les enfants doivent rester seuls à la maison après les heures de classe parce que les grands-parents ne seront plus là pour veiller sur eux.

Est-ce que je peux demander à l'honorable ministre de voir dans quelle mesure on peut donner une attention particulière à cette situation et que ces gens reçoivent la considération voulue dans une période raisonnable afin qu'ils puissent tous bouger à Rose Belle pour que cela ne pose pas de problème à la famille ?

**Mr Aimée:** Mr Speaker, Sir, I could have said, okay, I am going to look into the matter, but still I want to reply to the hon. Member that the case of the inhabitants of Mare Chicose is very complex.

*(Interruptions)*

Yes, it is very complex because, Mr Speaker, Sir, we have what we call the extended family. A letter was transmitted to my Ministry and the Ministry of Housing and Lands to that effect. In the meantime, many children have left the area; some are at Pointe aux Sables, some at Pointe aux Piments, some at Trou aux Biches, and some at Bambous. It is difficult for us to identify all these people and to have a proper enquiry. State lands cannot be given like that. We have to follow procedures for State lands.

*(Interruptions)*

**Mr Speaker:** Next question, hon. Seeruttun!

#### **UNIVERSITY OF TECHNOLOGY, MAURITIUS - PART-TIME LECTURERS**

**(No. B/506) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the part-time

lecturers at the University of Technology of Mauritius, he will, for the benefit of the House, obtain therefrom –

- (a) a list thereof, indicating in each case, the respective qualification requirements, and
- (b) if the posts were advertised.

**Dr. Jeetah:** Mr Speaker, Sir, with regard to part (a) of the question, I am tabling a list.

As regards part (b), I am informed by the University of Technology (UTM) that the recruitment of part-time lecturers was advertised in the press and the website of the University in February 2011 and a pool of part-time lecturers have been constituted on the basis of the applications received.

**Mr Seeruttun:** M. le président, est-ce que l'honorable ministre peut nous dire si parmi les *part-timers* au niveau de l'UTM, il y a un certain Monsieur U. R. qui travaillait à la *Mauritius Duty Free Paradise* et qui a été suspendu sous une allégation de vol, et si aujourd'hui il est un employé as a *part-timer* à l'UTM?

**Dr. Jeetah:** I did say, Mr Speaker, Sir, that I will table a list and the hon. Member could find out. I will have to go through it myself. I don't know this Mr U. R. personally.

(*Interruptions*)

Well, you will have to wait.

(*Interruptions*)

There is a Mr U. T, but I don't know if he is the gentleman that you are referring to. This person holds a Masters in Business Administration with specialisation in HR and Knowledge Management; a Diploma in Communication Studies. He is also a Lead Assessor for ISO 9000. He is a registered trainer; a training manager and a programme officer registered by MQA.

**Mr Seeruttun:** Est-ce que l'honorable ministre peut nous confirmer si dans un cas pareil une personne qui a été suspendue chez un autre employeur peut être recrutée chez l'UTM?

**Dr. Jeetah:** Can I respond to this hypothetical question, Mr Speaker, Sir?

**Mr Speaker:** Rephrase your question, hon. Seeruttun!

**Mr Seeruttun:** Ce que je demande à l'honorable ministre, est-ce que dans la procédure normale des critères de recrutement, est-ce qu'une personne qui a été suspendue chez son ex-employeur peut être considérée pour un emploi chez l'UTM?

**Mr Speaker:** Wait a minute! You see, the basis of a question should be factual. On what fact is the hon. Member basing his question?

**Mr Seeruttun:** M. le président, ma question est la suivante. Est-ce qu'une personne qui est suspendue pour une allégation de vol au *Mauritius Duty Free Paradise* est éligible de travailler à l'UTM?

**Mr Speaker:** That is okay!

**Dr. Jeetah:** Mr Speaker, Sir, the question refers to U. R. I have been further through the list of names. There are about a few hundreds. I have got another U. W. and another U. K. A. Would the hon. Member like me to give their credentials so that he can see whether it is the same?

**Mr Speaker:** Don't mention name!

**Dr. Jeetah:** No, I said U. K. A.

**Mr Speaker:** That's correct!

**Dr. Jeetah:** There is no U. R. I haven't seen any U. R. So, all these are hypothetical questions.

**Mr Baloomoody:** Can I ask the hon. Minister whether it is the practice at UTM to recruit lecturers who have been suspended in their original work and who are facing provisional charge before a court of law to work on a part-time basis as lecturer?

**Dr. Jeetah:** I am not aware of any such case, Mr Speaker, Sir, but I can certainly look into the matter.

**Mr Speaker:** Next question!

**Mr Seeruttun:** Est-ce que vous permettez que je cite le nom de la personne?

**Mr Speaker:** No!

*(Interruptions)*

Next question, hon. Ms Anquetil!

#### **NATIONAL AUCTION MARKET - CONSTRUCTION**

**(No. B/507) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Agro-Industry and Food Security whether, in regard to the project for the construction of a national auction market, he will state where matters stand.

**Mr Faugoo:** Mr Speaker Sir, my Ministry is implementing a project for the construction of a National Wholesale Market which is a broader market concept compared to an Auction Market and has been included in the Government Programme 2012-2015.

An invitation for expression of interest for consultancy services to carry out a feasibility study for the setting up of this National Wholesale Market was launched by my Ministry. The expressions of interest have already been evaluated.

I am further informed that the tender for the consultancy services will be launched by the end of this week by the Agricultural Marketing Board, which has been mandated to implement and manage the project.

I have also set up an Implementation Committee at the level of my Ministry comprising Senior Officials of the AMB, AREU and the Small Farmers Welfare Fund to fast track the implementation of the project.

**Ms Anquetil:** Mr Speaker, Sir, can the hon. Minister table the names of the short-listed consultants?

**Mr Faugoo:** I am not aware of the list of consultants because as Minister I do not approve same. I have not gone through it. I have no intention to table it, because they are launching the tender now which is an independent matter.

**Ms Anquetil:** A last one, please! Can the hon. Minister state the specific time frame for the project to be implemented?

**Mr Faugoo:** As I said, Mr Speaker, Sir, an Implementation Committee has been set up to see to it that the implementation of the project is put on fast track. So, as at now, they are launching the tender for the consultancy. I am not in a position to say the exact time frame, but I can come up with a timeframe when the tender is launched and the consultant is selected and when they have submitted the report, Mr Speaker, Sir.

**Mr Barbier:** May I ask the hon. Minister whether the location of this project has been finalized?

**Mr Faugoo:** Not yet, Mr Speaker, Sir. One of the elements which is going to be considered by the consultant would be the appropriate site for this project.

**Mr Speaker:** The Table has been advised that PQ Nos B/496, B/520, B/523 and B/524 have been withdrawn. I invite the Deputy Speaker to come and take the Chair.

*At this stage the Deputy Speaker took the Chair.*

**The Deputy Speaker:** Yes, hon. Lesjongard!

**EBÈNE CYBERCITY – LOW VOLTAGE EXTENSION WORKS - PAYMENT**

**(No. B/508) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to projects for minor development and low voltage extension works in the region of Ebène Cybercity, he will, for the benefit of the House, obtain from the Central Electricity Board, information for the period 2008 to 2009 –

- (a) a list thereof;
- (b) the amount of outstanding payment as at to date, indicating the amount written off, if any, and
- (c) if reminders have been sent to the debtors.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I am informed by the CEB that minor development/low voltage extension works relate to residential and small commercial and industrial consumers whose local requirements do not exceed 20 kVA. I am also informed that there were no minor development and low voltage extension works carried out by the CEB in the region of Ebène Cybercity during the period 2008-2009, except for the street lighting by the local authorities.

I am further informed by the Central Electricity Board that the region of Ebène Cybercity is supplied by an underground 22 kV network up to the boundary of all plots and these works were implemented in 2004/2005. The associated costs amounting to Rs29.8 m. were incurred by Business Parks of Mauritius Ltd (BPML).

**Mr Lesjongard:** May I ask the hon. Deputy Prime Minister, from the list submitted to him by the Central Electricity Board, whether there is an outstanding payment of Rs620,000 for an LV extension to the Ramnath Jeetah Trust at plot 51 Ebène Cybercity at Réduit?

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I thought I mentioned already. There is no list, there is nobody. On the question asked, there is no one.

**Mr Lesjongard:** May I ask the hon. Deputy Prime Minister whether he has been informed by the Central Electricity Board of a non-refundable capital contribution for a low voltage network which was carried out in 2009 and that payment was supposed to be made by three instalments, that is, a first payment of Rs250,000; a second payment of Rs200,000 and a third payment of Rs178,000, and as at to date, no payment has been effected by the Ramnath Jeetah Trust?

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I want to stress the question was on minor development and low voltage extension and the answer is there is no list, there is no one under that item.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, may I table two documents to substantiate what I am saying and may I ask the Deputy Prime Minister to look into this issue and if this is the case, to request

that trust to pay that outstanding amount because it is from that contribution that other consumers get their low voltage network extended?

**The Deputy Prime Minister:** I am sure, Mr Deputy Speaker, Sir, if such is the case, it will go to Court. The CEB will send it to Court. The hon. Member should know that.

**Mr Lesjongard:** May I then ask the Deputy Prime Minister why is it that in certain cases where consumers do not pay their electricity bills, they have their supply cut off and in this case there is an outstanding payment of Rs620,000 since 2009 and there has not been any reminders sent to that trust?

**The Deputy Prime Minister:** I say it again, Mr Deputy Speaker, Sir, the question was on a very specific issue and I have replied to that. My attention having been brought to this case; I can assure the House that all necessary measures will be taken if such is the case.

**Mr Roopun:** In the light of the statement made by hon. Lesjongard, may I urge the hon. Deputy Prime Minister once he checks all the information, to come to this House to make a statement as regards what has been the situation so that the whole country may know?

**The Deputy Prime Minister:** As I have said, I have already replied to that. If such is the case, the problem would be attended to and if it is in Court, it is in Court.

**Mr Uteem:** May I know from the Deputy Prime Minister before the Central Electricity Board took this decision, whether the decision was backed by any legal advice?

**The Deputy Prime Minister:** I am not aware of this. All I am saying is that this question is very specific, and it is a narrow question and I have answered to this question. If the hon. Member comes with other questions next week or in a week after, I will reply to them.

**Mr Lesjongard:** May I ask the Deputy Prime Minister also to confirm whether the payment in instalments were as per the instructions of the General Manager at that time?

**The Deputy Prime Minister:** I am not aware of this. I will find out, Mr Deputy Speaker, Sir.

**Mr Bhagwan:** Is the hon. Deputy Prime Minister aware that the internal audit and even the external audit of the CEB have drawn the attention of the management on that issue and nothing has been done.

**The Deputy Prime Minister:** If such is the case, the issue is being attended to.

**Mr Jhugroo:** Can I ask the hon. Deputy Prime Minister why he is refusing to inform the House as to what action will be taken? Why is he refusing?

**The Deputy Prime Minister:** Because very simply, Mr Deputy Speaker, Sir, the question asked was not on this issue.

**Mr Baloomoody:** Can I ask the hon. Deputy Prime Minister, in this specific case we are talking, whether that trust has given any guarantee before the CEB embarks on such a project?

**The Deputy Prime Minister:** I will look into the matter because it has been raised.

**The Deputy Speaker:** Next question hon. Uteem!

#### **SOUTH AFRICA/MAURITIUS - DOUBLE TAXATION AVOIDANCE AGREEMENT**

**(No. B/510) 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 the Double Taxation Avoidance Agreement with South Africa, he will –

- (a) state if any recent amendment has been brought thereto and if so, why, and
- (b) indicate if any study has been carried out to evaluate the likely impact thereof on our economy.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, the Double Taxation Avoidance Agreement between Mauritius and South Africa was signed in July 1996 and it entered into force in June 1997. It was revised at the request of South Africa, which in March 2009 had written to Mauritius to express concerns on the 1996 Agreement and its use in a manner that was not originally intended. To address the concerns of South Africa, a first round of discussions to revise the Agreement was carried out in November 2009 and a second and final round conducted in January 2011. The new Agreement was signed on 17 May 2013 but is not yet in force as it has not yet been ratified.

With regard to part (b) of the question, Mr Deputy Speaker Sir, the House may wish to note that there is presently considerable debate on how to strengthen the global fight against tax evasion and avoidance. The G8, which is presently holding its Summit in Northern Ireland, again is placing special focus on tax and transparency in addition to trade – the so-called “3-Ts Agenda”.

Stakeholders of our Financial Services Sector need to realize that the presence of clear economic substance in the jurisdiction is of utmost importance to be able to stand up to the scrutiny of tax authorities. This is why Mr Deputy Speaker, Sir, in my Budget Speech 2013, I announced that Tax Residence Certificates will in the future be issued only upon compliance with enhanced commercial substance requirements. My Ministry and the Financial Services Commission are currently working with stakeholders of the Financial Services Industry on how best to implement this measure.

As such, regarding the Mauritius-South Africa revised DTAA the relevant factor taken into consideration also included whether we would continue to have a Double Taxation Avoidance Agreement which addresses the concerns of our partner or not to have a DTAA at all.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Vice-Prime Minister whether, at any point in time, the Revenue Authorities in Mauritius had any consultation with the stakeholders of the industry about this renegotiation of treaty?

**Mr Duval:** I must say, Mr Deputy Speaker, Sir, that these negotiations were held in 2009 and in January 2011, before I joined the Ministry. That has to be clear. I must also admit, Mr Deputy Speaker, Sir, that since then we have changed and we change the way in which we approach the Double Taxation Agreements. Recently, we agreed with the industry that we would have much closer cooperation before agreements are signed.

**Mr Uteem:** May I know from the hon. Vice-Prime Minister why is there a double standard? When it comes to the treaty with India, there is wide consultation and publication and press releases, but when it comes to treaty with other countries - South Africa is not the first one - everything is done behind the back of the stakeholders with disastrous consequences.

**Mr Duval:** As I mentioned, this particular one was before I joined the Ministry. But I must say, Mr Deputy Speaker, Sir, I don't disagree with the hon. Member that there should be closer consultations. I am saying it quite openly because I told the industry that, two weeks ago myself. So, it is not a secret that we would like to have closer consultations.

**Mr Bodha:** Mr Deputy Speaker, Sir, may I ask the hon. Vice-Prime Minister whether he is aware that there is a huge debate presently in South Africa about this issue and there is a lot of uncertainty, the more so about issues, about companies with dual residency in South Africa and in Mauritius?

**Mr Duval:** Yes, absolutely, Mr Deputy Speaker, Sir. There is concern about how this Article 4 of the Double Taxation Agreement is going to be interpreted. It has not yet been ratified. I spoke to the High Commissioner for South Africa. We are going back to the South Africans. We want to ensure that, at least, between South Africa Revenue Service (SARS) and the MRA, there is a clear understanding of how this article is going to be interpreted both ways. It is not always good to discuss openly about negotiations, but there are also other avenues that we are looking into. We are not all that happy with this agreement as it stands.

**Mr Uteem:** As the hon. Vice-Prime Minister is fully aware, this new treaty would allow South Africa to disregard the Double Taxation Treaty and tax the residents. May I know from the hon. Vice-Prime Minister whether it is any way possible during the negotiations that they are going to have with

South Africa, to, at least, argue for a grandfather clause so that all the existing companies that had relied on the existing treaty provisions are not affected by this new provision?

**Mr Duval:** Mr Deputy Speaker, Sir, there are various things we can look at, grandfathering being one of them, as I mentioned, a greater clarity between the two Revenue Authorities. The other thing, Mr Deputy Speaker, Sir, is a most favoured nation clause. There are various things that we can look into. This was negotiated before my arrival, but I must also say, Mr Deputy Speaker, Sir, that there has been a lot of pressure from the South African Authorities for this to be done. Of course, a treaty is an agreement between two countries, we also need to avoid for the South Africans just to cancel the treaty on their side.

#### **MOROCCO - AFRICAN TRIATHON CHAMPIONSHIP - MAURITIAN PARTICIPANTS**

**(No. B/511) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the African Triathlon Championship held in Agadir, Morocco on 25 May 2013, he will –

- (a) give a list of the Mauritian participants, and
- (b) state the budget allocated by his Ministry therefor.

**Mr Ritoo:** Mr Deputy Speaker, Sir, It is the policy of my Ministry to provide funding for participation in Regional and International athletic meets within the budget allocated to Sports Federations. However, the responsibility for the selection of participants lies with the respective sports federations.

In the case of the African Triathlon Championship held in Agadir, Morocco in May 2013, the list of participants, as per information received from the federation, is as follows -

1.	Stephano Mariette	{	Head of delegation
2.	David Bardi	}	Coach
3.	Fabienne St Louis	}	Senior category
4.	Boris Toulet	}	
5.	Douglas Carver	}	Junior category
6.	Gregory Ernest	}	
7.	Mathias Mongelard	}	
8.	Timothée Hugnin	}	Youth category

9.	Laurent L'Entete	}
10.	Milena Wong Wing Wah	}
11.	Georgia Zheemba	}
12.	Candice de Falbaire	}

I have further been informed that the federation met the full cost of 4 selected participants and 2 coaches and part of the cost (accommodation, entry and visa) in respect of 2 athletes who reached the minima at the selection race prior to their departure.

With regard to the remaining 4 athletes who did not meet the minima, they made a request to participate at their own expenses. Their request was acceded to by the federation which agreed to pay the entry fee only.

The budget allocated to the federation for this particular competition is Rs300,000. as agreed at the time of submission of their calendar of activities in January 2013. This amount, I am made to understand, has been used to meet the full cost of the 4 selected participants and the 2 coaches and part cost for 2 other athletes who reached minima. The federation has confirmed that this was according to their planning in terms of utilisation of funds for the Agadir Meet.

**Mr Quirin:** M. le président, l'honorable ministre peut-il nous dire si le Triathlète Mathias Mongelard qui a remporté la médaille d'or lors de ces championnats d'Afrique, a bénéficié du financement de son ministère pour ce déplacement?

**Mr Ritoo:** No, Mr Deputy Speaker, Sir.

**Mr Quirin:** M. le président, j'ai en ma possession une lettre de la Fédération Mauricienne de Triathlon en date du 6 mai de cette année qui s'adresse à l'honorable ministre des Sports et dans laquelle ladite fédération sollicite l'aide financière, un supplément du budget qui les aurait aidé à financer le déplacement de ceux qui n'avaient pas été sélectionnés dans un premier temps, mais qui avaient réalisé les minimas. Est-ce que le ministre peut nous dire pourquoi il n'a pas pris en considération cette lettre de la Fédération ?

**Mr Ritoo:** Mr Deputy Speaker, Sir, according to the federation, strictly speaking, only four selected athletes plus two coaches should have been in the participation list. However, as some money was left, Mathias Mongelard and Timothée Hugnin were roped in with part cost paid. This explains why they had to make their own arrangements for part funding of their participation, otherwise, they would have been in the list of those who participated at their own cost. Mr Deputy Speaker, Sir, I think it is a good initiative for the federation to allow a maximum number of athletes to get high level international

exposure. I would also like to congratulate the parents and sponsors who believe in those athletes and contributed in their participation cost.

**Mr Quirin:** M. le président, vu que le jeune Mathias Mongelard a fait honneur au pays, ne serait-il pas juste que le ministère de la jeunesse et des sports rembourse à ce jeune ses frais de déplacement ?

**Mr Ritoo:** This is not the policy of my Ministry, Mr Deputy Speaker, Sir, but the federation was agreeable, at the very outset, to have Rs300,000 for the participation for the total of 10 athletes. Now, if the federation felt that, at that point in time, they should include 12 athletes, they could have come up with additional demand, but they were agreeable with the Rs300,000 for a total of 10 athletes which means the whole delegation. We gave them the money and they were agreeable to that amount.

**Mr Quirin:** M. le président, le ministre est-il au courant qu'il y a un Triathlète, Boris Toulet, si je peux citer le nom, sélectionné et qui a bénéficié du soutien du ministère de la Jeunesse et des Sports, mais qui finalement n'a pas participé à la compétition ? Peut-on connaître les raisons de sa non-participation?

**Mr Ritoo:** Mr Deputy Speaker, Sir, it is only after the event that the federation has informed my Ministry that Boris Toulet did not turn up at the competition. Consequently, the federation will have to claim necessary refund from the travel agency. But in the meantime, I would like to remind the hon. Member that the *Triathlète* Mathias Mongelard a été valorisé, remercié et récompensé financièrement par mon ministère samedi dernier.

#### **BREAST CANCER – TESTS – JULY 2012-JUNE2013**

**(No. B/512) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Health and Quality of Life whether, in regard to breast cancer, he will for the period July 2012 to date, state the number of patients who have undergone –

- (a) tests therefor, and
- (b) mastectomy.

**Mr Bundhoo:** Mr Speaker Sir, I am informed that from July 2012 to date 766 Fine Needle Aspiration Cytology (FNAC) and 1219 biopsy tests on breast have been carried out in public hospitals. It has to be highlighted that a patient might have undergone more than one test.

Moreover, 610 mammography tests have been carried out during the same period. Mammography tests are done at SSRN and Victoria Hospitals.

Mr Speaker Sir, as regards part (b) of the question, I am advised that from July 2012 to date, some 200 cases of mastectomy have been performed in public hospitals.

And Mr Speaker Sir, allow me to mention how these figures compare on a yearly basis since 2010 for it to have some sense.

- In 2008 it was 1733, that is 78.4% of mastectomy carried out for positive tests
- *En* 2009 it was 1752, *c'est-à-dire* 45.1 % of positive tests;
- *En* 2010 it was 2060, 46.0 %, there was a slight increase;
- *En* 2011 the figure was 1968, that is 43.0%, and
- In 2012 out of 2038 number of tests for breast cancer performed, the number has been reduced percentagewise over the years from 78.4% in 2008 to 36.6% in 2012.

Mr Deputy Speaker, Sir, in 2008, 78.4% over the 255 positive cases of breast cancer detected had undergone mastectomy. In 2009 it decreased as said earlier and however in 2010, this percentage increased slightly. Subsequently, as I said earlier again, the percentage of mastectomy being carried out is on the decline from 43% in 2011 to 36.6% *en* 2012.

**Mrs Hanoomanjee:** Can I ask the hon. Minister as to why up to now a test which is known as HER2 is not carried out as with this test if cancer is detected positively and treated with the appropriate medicine, the patient can be cured hundred percent?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, I kindly invite the hon. Member to come with a substantive question, I will find the information and have it given to her.

**Dr. Sorefan:** Thank you, Mr Deputy Speaker, Sir. I would like to know from the hon. Minister whether it is in the protocol of treatment to provide free breast prosthesis after a mastectomy.

**Mr Bundhoo:** I am not so sure what exactly the case is, but as far as I understand, we do provide as much as possible facilities especially to ladies undergoing this kind of treatment.

**Mr Jhugroo:** Mr Deputy Speaker, Sir, with regard to the figures mentioned by the hon. Minister, does it include patients from the private sector?

**Mr Bundhoo:** These are the figures given to me by the Cancer Register and that is why regarding the figure for 2012, as requested by hon. Mrs Hanoomanjee, I used the word 'some' because it is not a confirmed figure. It takes some time to compute the figures from the private and public sectors before they go officially to the Cancer Register of Mauritius and then internationally.

**Mrs Hanoomanjee:** May I ask the hon. Minister whether he is aware that a digital mammography was purchased – that was when I was Minister – and this is a highly sophisticated equipment which not only locates the tumor as the ordinary mammography does, but can also remove

small tumors with a small incisive which does not require an operation theatre or hospitalisation. Can I know why is it that this sophisticated equipment is not being used?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, allow me to make a slight correction to what the hon. lady just said about since she was Minister she had purchased it. In fact, the tender was launched on 14 February 2012 and the equipment was delivered some time on 06 December 2012. The equipment is being used now. As for the second part she is right. It is not fully commissioned with regard to the biopsy and training is being provided for that.

Let me also remind the hon. Member that provision to buy these machines was made by the then Government since 2009. Thank you.

*(Interruptions)*

**The Deputy Speaker:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Will the hon. Minister inform the House whether with a view to promoting the prevention of breast cancer he will take on board the possibility to provide free routine mammography to all women aged 40 plus by his Ministry?

**Mr Bundhoo:** In fact my Ministry is working on that and we are contemplating it. I replied to a question a couple of weeks ago that during my last visit after the World Health Organisation, I stepped in Paris and I met with a Professor from the *Université de Paris*. He is coming to Mauritius in September to advise us on the course of action.

**Mrs Labelle:** The hon. Minister has mentioned a decrease in the percentage of positive tests, but at the same time there is an increase of 36% positive. The percentage has decreased. May we know in absolute figures what has been the trend because some two years back we had an increasing trend of about 66%? In absolute figure, what is the situation?

**Mr Bundhoo:** I will have the figure circulated, Mr Deputy Speaker, Sir.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I do not know whether the Minister is talking about the same equipment I have been talking about. I have been talking about the digital mammography which was purchased then. Can I ask the Minister as to why, as in other countries, for a tumor which is less than five centimeters, chemotherapy is done first, which reduces its size and then the tumor is removed and not the breast because he would surely agree that a woman whose breast has been removed is psychologically affected. Can we know why this is not done up to now?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, I am not going to be rude. The hon. Member was Minister for 14 or 16 months already, I could have put the same question to her when I was sitting there as a backbencher.

*(Interruptions)*

But I did not...

*(Interruptions)*

Let me finish!

*(Interruptions)*

I have listened to her ...

*(Interruptions)*

Let me finish!

**The Deputy Speaker:** Hon. Minister of Health...

*(Interruptions)*

I am sorry, I am sorry, I am on my feet! It is the duty of the hon. Member to ask questions and it is the duty of the hon. Minister to give answers!

**Mr Bundhoo:** I also feel, Mr Deputy Speaker, Sir, it is my duty to remind her of her failures!

*(Interruptions)*

**The Deputy Speaker:** Hon. Mrs Radegonde-Haines!

**Mrs Radegonde-Haines:** Mr Deputy Speaker, Sir, may I ask the hon. Minister if he is aware of the psychological stress that these women undergo after the mastectomy. Will he state what system his Ministry has put in place to support them because in my Constituency I have many women who have undergone such operation and I have to link them with the Link to Life.

**Mr Bundhoo:** Mr Deputy Speaker, Sir, the hon. lady rightly put that question the way she has. This is why we have made all efforts to reduce the number of mastectomy and I have just said earlier, Professor Khayat is coming from Paris, he is one of the leading professors, to advise us and to set up a new strategy with regard to that and especially as my friend rightly said, non invasive surgical intervention.

**Mrs Navarre-Marie:** Mr Deputy Speaker, Sir, in view of the fact that breast cancer is causing death among women and that mastectomy is causing depression among women, will the hon. Minister propose to launch a national campaign to encourage women to be detected early?

**Mr Bundhoo:** Yes, Mr Deputy Speaker, Sir.

**Mrs Labelle:** May I ask the hon. Minister the number of medical oncologists we actually have? Has he been able to recruit additional medical oncologists? Because at a particular point in time we had only one. Is the figure still the same?

**Mr Bundhoo:** I think it has been increased. In fact, I have requested the figure prior to coming to the National Assembly, and I will circulate it as soon as I get it.

**Mr Jhugroo:** M. le Président, étant donné que pendant 14 mois l'honorable Mme Hanoomanjee était ministre elle a pris la décision d'acheter un équipement qui s'appelle le *Digital Mammography*, comment expliquez-vous votre incompétence après cet achat, vous n'avez pas encore mis cet appareil en opération ?

**The Deputy Speaker:** Hon. Member of the Opposition, please ask your question in a straightforward manner, without imputing motives.

**Mr Jhugroo:** Je demande au ministre pour quelle raison cet appareil qui s'appelle le *Digital Mammography* que l'ancien ministre avait acheté, n'est pas opérationnel jusqu'à présent ?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, let me make it very clear. I said it in my last reply in the Assembly, and I am going to repeat it again. I am going to submit a copy of this for the benefit of the hon. Member. First, the tender was launched on 14 February 2012, and not by the previous Minister, but by me, the present Minister. Second, the equipment was delivered at Victoria Hospital in December 2012, when I have been appointed Minister for only a year. Third, this equipment is already working, and is already been commissioned by my Ministry. Only the biopsy is not being utilised because ...

*(Interruptions)*

Let me finish. Only part of the biopsy because we are waiting for further training in order to fully utilise the equipment. What the hon. Member said earlier is unfounded, that is, it was purchased, installed and commissioned by the previous Minister.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I think that this debate is a very serious one. It is not a question of who did this or who did that. What I am asking the Minister is what he can do for women who are suffering from breast cancer. Can I ask the Minister how many women up to now have

been subject to chemotherapy before they have been subject to a surgical operation, where their breasts have been removed?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, let me remind the House what I am doing with regard to chemotherapy. We have opened new units at the Sir Seewoosagur Ramgoolam Hospital, a new one at the Jawaharlal Nehru Hospital and, at the end of this month we are scheduled to open a new one at Dr. Jeetoo Hospital. So, this is what the Government is doing.

Secondly, we have already sought advice, and the Professor from France is coming to Mauritius in September of this year, to advise us on the way forward.

**Mrs Labelle:** Mr Deputy Speaker, Sir, regarding the Radiotherapy Centre at Candos, may I ask the hon. Minister what measures have been taken recently regarding the old machines, which are always breaking down? Following a reply to a PQ some time ago, the hon. Minister said that he was to take corrective measures regarding the Radiotherapy machines. May we know what measures have been taken? Have these machines been replaced or properly repaired?

**Mr Bundhoo:** All necessary actions are being taken to have a new set of equipment with regard to Radiotherapy, including a new bunker, as the new machines will require a new bunker.

**Mr Jhugroo:** May I know from the hon. Minister what is the cost of this Digital Mammography which has been purchased and the name of the supplier?

**Mr Bundhoo:** The name of the company is Robert Le Maire, and the full-fledged cost of everything is around Rs13 m.

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

**Mrs Hanoomanjee:** Can the hon. Minister give the guarantee to this House that the hospital will make optimum use of this Digital Mammography equipment, that is, it will be used even on Saturdays?

**Mr Bundhoo:** I have every reason to believe that not only we are having one at Victoria Hospital, but everything will be done for us to have optimal use of the equipment. I have also given instructions to introduce the same service at Dr. Jeetoo Hospital.

#### MINISTRY OF PUBLIC INFRASTRUCTURE - SINOHYDRO LTD. - CONTRACT

**(No. B/513) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the projects implemented by his Ministry, since 2005 to date, he will state the number thereof awarded to Sinohydro Ltd. indicating in each case, the –

- (a) date the contract was signed;
- (b) value thereof, and
- (c) contractual completion date thereof, indicating the delay, if any, and the additional cost involved in connection therewith.

**The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, the information which the hon. Member has requested for is being tabled.

**Mr Fakemeeah:** Can I know from the hon. Vice-Prime Minister who, on behalf of Sinohydro Ltd., interacts with the Government and whether he meets the hon. Vice-Prime Minister directly?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I do not meet Sinohydro Ltd. because they deal with the Road Development Authority.

**Mr Fakemeeah:** Can the hon. Vice-Prime Minister state to the House the number of projects where Sinohydro Ltd. cannot meet the deadline?

**Mr Bachoo:** I am circulating the list, and the hon. Member can go through it. There are places where extension of time has been granted, and there are places where they have asked for extension of time. I can assure the hon. Member that everything will be done legally by the RDA.

**Mr Bhagwan:** Can I know from the hon. Vice-Prime Minister whether any adviser attached to his Ministry has had sub-contracts with Sinohydro Ltd. and also with COLAS for landscaping purposes?

**Mr Bachoo:** As far - I maintain - as I am aware, not a single advisor of my Ministry is involved. It is not to my knowledge.

**Mr Utem:** Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister mentioned that he is going to table all the information. But may I know from the hon. Vice-Prime Minister whether he is in a position to tell the House today, out of all the projects undertaken by Sinohydro Ltd., if a single one has been completed in time.

**Mr Bachoo:** Sinohydro Ltd is looking after about five projects, and all projects are on. The time has not come for those projects to be completed. There are cases where extension of time has already been granted. I am just waiting for the time to lapse, and then we will take action if the company has not been able to do the job.

**Mr Bhagwan:** The hon. Vice-Prime Minister has stated that he is not aware that one adviser has obtained sub-contract from COLAS and Sinohydro Ltd. Can the hon. Vice-Prime Minister enquire

whether that adviser, together with another adviser from the Prime Minister's Office, has formed a sub-company, and they are being awarded sub-contracts by the contractors that I have mentioned, through the existing contracts on the motorway, either for COLAS or for Sinohydro Ltd?

**Mr Bachoo:** The hon. Member just asked this question, I can't remember, about any adviser from my Ministry. So I have mentioned not to my knowledge, as far as my Ministry is concerned.

Now, the question is about other Ministries and other Departments. I have to look into. But, I can assure the House, as far as my Ministry is concerned, not to my knowledge.

**Mr Jhugroo:** Can I know whether there have been any variation costs in these projects, and if so, can we know the amount?

**Mr Bachoo:** I am going to circulate the answer. The hon. Member has to go through it. I do not have any problem.

**Mr Ganoo:** I am going to ask a very simple question to the hon. Vice-Prime Minister. Can he tell the House how many contracts presently Sinohydro Ltd. is engaged in, and how many of these contracts the contractor has asked for extension of time?

**Mr Bachoo:** There are five contracts. In the first one, extension of time has already been granted. In a second case, the extension time has been granted, but with no additional costs. For the third one also, no additional costs, as far as I have been informed. For the fourth one, the determination of extension of time is still being finalised. And, the fifth one, an extension of time of four days only has been granted.

**Mr Ganoo:** Can I take it from the hon. Vice-Prime Minister that, in all the five cases, extension of time has been asked for?

**Mr Bachoo:** They have asked for extension of time, but I can mention that no additional cost above the original contract price is involved. The extension time is basically because of bad weather. Secondly, because of the services. It is very important, Mr Deputy Speaker, Sir, because when the services are there, it takes too much of time. Thirdly, because of land acquisition. There are plenty of reasons why. That is why the RDA, before giving an extension of time, either has to consult the consultant or the engineers.

**Mr Soodhun:** Mr Deputy Speaker, Sir, from the airport up to the North, in the middle of Highway between iron bars. RDA contracts out with local contractors and this has been done without any tender and the RDA insists - as my hon. friend Bhagwan mentioned - that the tender be given to these people. I would like to know whether the Vice-Prime Minister is aware of the fact?

**Mr Bachoo:** The hon. Member is talking about guardrails. He can come with a substantive question and I am going to give the answer.

**Mr Soodhun:** As a matter of principle, I would like to know whether the hon. Vice-Prime Minister is aware if there is any tender, because he must be aware if there is any specific tender for the local contractor to place these iron bars in the middle for safety.

**Mr Bachoo:** Mr Deputy Speaker, Sir, these guardrails are supposed to be placed by the district contractors and they are bound to do the job. The work of the RDA is to contract out to the district contractors who have been appointed legally by the Central Procurement Board. That is why I am telling if a substantive question is put to me, I can give the names of those contractors, because the RDA has been dealing with the contractors who have been appointed by the Central Procurement Board. Now, whether they subcontract it, that risk is at their level; they have to take the risk, not the RDA.

**Mr Bhagwan:** The question I want to ask is about landscaping works on the central verge, either on the motorway north/south where subcontracts have been given from the original contractor with the connivance of the RDA to two advisers that I have mentioned - I know what I am saying; one is from the Ministry of Public Infrastructure who is in association with one adviser from the Prime Minister's Office. Can the hon. Vice-Prime Minister, at least, give the guarantee to the House that he will ask the Director of Audit or somebody else to commission an enquiry on what I am saying?

**Mr Bachoo:** Mr Deputy Speaker, Sir, the hon. Member is free to take any action, because if a contractor ...

*(Interruptions)*

Let me finish! If a contractor has any dealings with anybody, - I have just mentioned that I am not aware of my Ministry - definitely if any such case occurred that is brought to my notice in my Ministry, I can assure the House that I will take action not the day after tomorrow or after one month's but tomorrow or today in the afternoon. This is as far as my Ministry is concerned, but whoever be the persons, if they have any contract with any contractor who has nothing to do with my Ministry, that is their responsibility. There are so many contractors, they keep on subcontracting their works and I am not to be held responsible; that does not fall under my jurisdiction.

**Mr Ganoo:** May I ask the hon. Vice-Prime Minister who has so much experience in this field, who has been a Minister for such a long time and having headed this particular Ministry, doesn't he think that his Ministry should review the penalty clause, imposing the delay damage per day and also the bid security, because they are too much on the low side and this encourages non-performing contractors to

take this Ministry for granted and this is why they can afford to do what they are doing? So, review it on the increase, please.

**Mr Bachoo:** I fully concur with the hon. Leader of the Opposition. Let me honestly speak out my heart. Every day I undergo a lot of pressure when projects are not completed on time because I know the difficulties and at the same time if you want to take them to court, it takes us so much of time and then there are so many legal intricacies that we can't even take up actions. That is the reason why I have the habit of warning them repeatedly but, if need be, if anything has to be improved in our Regulations, I won't have any hesitation. I can, once again, assure hon. Members that I am as much concerned as anybody because all the responsibilities befall upon me.

**Mr Jhugroo:** Est-ce que le Vice-Premier ministre peut nous donner la garantie qu'il va ouvrir une enquête pour voir si les contrats ont été sous-loués et si oui, de voir s'il y a des *advisers* ou d'autres *political nominees who have been involved in any transaction and inform the House later on* ?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I have just mentioned, for any adviser in my Ministry action is taken; but as far as any other person, or any adviser doing any type of job, if they have gone through the proper procedures then they don't have anything to do with that, provided they do the jobs. Because the law allows them to tender if they have got a company, if they want to go into negotiations with any contractor who has been awarded works in any parastatal body. They can do so, but, as far as we are concerned, we are bound to get our works done to the satisfaction of the RDA.

**Mr Bhagwan:** After what we have seen, heard and witnessed, especially with the increase of cost and so on, not only for that Sinohydro, we are talking for other big contracts like Colas and others, does the hon. Vice-Prime Minister not consider that it is now time to review this RDA? The whole problem lies with the RDA. The hon. Vice-Prime Minister has himself informed us that he suffers undue pressure. The RDA is the central mafia organisation. I can say it to the House - I know what I am saying. This is where the problem lies...

*(Interruptions)*

**Mr Bachoo:** Mr Deputy Speaker, Sir, on a point of order, the hon. Member is imputing motive...

*(Interruptions)*

**Mr Bhagwan:** I have not finished...

**Mr Bachoo:** No! On a point of order, please!

**The Deputy Speaker:** I am on my feet! There is a point of order that the hon. Vice-Prime Minister wants to raise.

*(Interruptions)*

**Mr Bachoo:** It can't be a mafia!

*(Interruptions)*

**Mr Bhagwan:** I say RDA!

**The Deputy Speaker:** There is a point of order.

**Mr Bachoo:** Mr Deputy Speaker, Sir, one institution like RDA handling...

*(Interruptions)*

If you don't want to listen to my answer, I won't answer then!

*(Interruptions)*

I am not going to answer then. The hon. Member is asking questions and he won't listen to my answer, I won't answer.

*(Interruptions)*

**The Deputy Speaker:** Just put your question, please!

**Mr Bhagwan:** I have not finished what I had to say. The problem lies with the RDA, the connivance of the engineers, the top management of the RDA with contractors that I said is like a mafia with the public money! Billions and billions of rupees are being spent!

**Mr Bachoo:** Mr Deputy Speaker, Sir, the hon. Member is free to go either to the Police, to the CID, to the ICAC or he can start a private prosecution against...

*(Interruptions)*

**The Deputy Speaker:** Order please! Allow the Vice-Prime Minister to answer the question.

**Mr Bachoo:** Mr Deputy Speaker, Sir,...

*(Interruptions)*

**The Deputy Speaker:** Hon. Bhagwan, you asked a question, allow the hon. Vice-Prime Minister to answer the question!

**Mr Bachoo:** Mr Deputy Speaker, Sir, just imagine one institution handling projects worth billions and billions of rupees.

*(Interruptions)*

**The Deputy Speaker:** Hon. Jhugroo!

**Mr Bachoo:** It is not an easy task and I can tell that I am satisfied with the way the engineers are doing their works.

**The Deputy Speaker:** Last question, hon. Leader of the Opposition!

**Mr Ganoo:** Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister has told us a few minutes ago that there are about five contracts in which Sinohydro is presently involved in and none of these projects has yet been completed. Can I ask the hon. Vice-Prime Minister, therefore, that since in each and every contract between the Ministry and the Department with any other contractor, there is a defect liability period so that in this case Sinohydro *n'a pas encore livré un chantier* and we do not know if after they hand over the project what will happen. That is why there is a defect liability period. I ask the hon. Vice-Prime Minister this, in view of the fact that I know - although I put the question - that in many countries this contractor has been made to leave for bad performing and non-performing, and in the case of Malaysia when they were constructing a reservoir they made an improper mix between water and cement and they were kicked out.

**The Deputy Speaker:** Hon. Leader of the Opposition, put your question please!

**Mr Ganoo:** Can I ask hon. Vice-Prime Minister what precautions - and if he has not taken, please, do take all the precautions – he has taken so that when this *chantier* will be *livré* by this particular contractor, we don't have surprises when they leave the country or when they hand over the project, by looking carefully at this defect liability period please?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I have mentioned that contracts have been awarded, extension of time has been granted but the works, we are waiting for the extension of time to be over to see whether the contractor has performed. I would like to *ouvert une parenthèse* here to say that not only this contractor, here he can be late for 10 days, 20 days or one month, we have got contractors in our country who are late by almost seven to eight months in projects, but here out of the five not in a single case there has been such a long delay. For example, in a project of Rs926 m. which is being financed by the World Bank, there is an extension of time asked, it has been granted, but there has not been a single rupee which we have spent more than what has been approved by the Central Tender Board.

Second, Colville Deverell Bridge to Grewals, there has been an extension of time requested because the steel girders from Luxembourg are still coming. There has been a delay as far as the shipment is concerned, but here also, no additional cost is involved.

Third, Savanne, Beau Climat to Nouvelle France, the work is on. Here, there are no additional costs though there has been extension of time granted because of the difficulties that we had on the site and that too, it was given.

*(Interruptions)*

I am talking about Sinohydro, I would like to request the hon. Member because I am answering to the Leader of the Opposition.

*(Interruptions)*

The fourth one is Riche Terre. In the morning, questions were asked to me. I have mentioned that extension of time is being looked into and during the recess, I enquired. We have paid them up till now - as I told you I am not concerned about the payment but I had to enquire from them - Rs14 m. out of approximately Rs83 m. and 40% to 43% of the work has been completed and today on the site, there were 26 workers contrary to what hon. Lesjongard was telling, two or three workers.

Then, the last one is the widening of Avenue Tulip. It is important for the hon. Member to know because he has asked me the question. As far as Tulip Avenue is concerned, there is a delay of four days. So, what do you expect me to do; we have given extension of time, but not in cases where it has gone beyond one year, seven months, eight months, four months or five months.

So, that's why I am monitoring the situation and in each project, we have appointed at least a minimum of one to two engineers including Principal Engineers plus Technical Officers on a daily basis to monitor and to report to my office as far as the standard of work is concerned.

**The Deputy Speaker:** Next question!

#### **MEDICAL NEGLIGENCE – ALLEGED CASE - STILLBORN**

**(No. B/514) Mr C. Fakemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Health and Quality of Life whether, in regard to the alleged case of medical negligence, following the delivery of a stillborn on 20 December 2012 and reported by Mrs S. R. J., he will state if an inquiry has been carried out thereinto and, if so the outcome thereof.

**Mr Bundhoo:** Mr Deputy Speaker, Sir, a preliminary inquiry has been carried out at the level of my Ministry into the case of alleged medical negligence following the delivery of a stillborn on 20 December 2012 as reported by Mrs S. R. J.

The inquiry revealed that there were grey areas in the management of the case and in the light of the findings the case was referred on 18 March 2013 to the Medical Council for an in-depth inquiry. The report of the Council is awaited.

**Mr Fakeemeeah:** Will the hon. Minister agree that there are too many cases in the prenatal *et aussi dans les départements post nataux*, and will he look into these issues seriously?

**Mr Bundhoo:** Yes, Mr Deputy Speaker, Sir.

**Dr. S. Boolell:** Mr Deputy Speaker, Sir, I would like to know from the hon. Minister when are enquiries on hospital deaths conducted by his Ministry and when are they conducted by Fact-Finding Committees? What are the indications for both?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, this question was for a particular case with regard to Mrs S. R. J. I would kindly invite the hon. Member to come with a substantive question, but nonetheless I can tell him that in all cases of maternal deaths or child deaths automatically there is an internal enquiry by the regional hospital concerned. If there is any grey matter, it is then reported to the Medical Council for further investigations and necessary actions. But sometimes due to some complications, I personally take the decisions to have a Fact-Finding Committee and I have already replied to the question of the hon. Member sometime back that we would try to do away with this practice of Fact-Finding Committee and that's why we are amending the Medical Council in order to expedite matters with regard to enquiry and discipline subsequent to the enquiry.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, may I know what will actually happen in this case since we have had so many cases of enquiries into allegations of medical negligence that have gone nowhere? I understand according to the hon. Minister there is presently a Ministerial Committee looking again at the Medical Council Act. Could he tell us whether that Ministerial Committee has met? How many times it has met and what is the time frame for it to recommend amendments to the present legislation?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, I only replied to this question last week. In fact, only yesterday the Ministerial Committee has met again in the office of the hon. Minister, Dr. Kasenally who chaired this meeting, in the presence of hon. Faugoo, hon. Dr. Bunwaree, hon. Dr. A. Boolell, Dr. Pauvaday, myself, and others.

Now, I have also said last week that the hon. Prime Minister, when he was in the UK, has initiated actions and talks with the General Medical Council of the United Kingdom in order to assist us to reform our Medical Council in Mauritius.

**Mr Baloomoody:** The hon. Minister mentioned a preliminary enquiry. Did he mention a preliminary enquiry at the level of his Ministry, and if it was a preliminary enquiry or an enquiry, may we know who conducted that enquiry and further, when the case is referred to the Medical Council, does the

relatives of the victim get access to the findings of the enquiry and to the personal medical file of the patient?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, the preliminary enquiry was set up on 15 January 2013 and the Chairperson was Dr. Ramdoyal, the RHD of the Jawaharlal Nehru Hospital assisted by Dr. Hoolooman, Ag. Consultant in Charge, Obstetrics and Gynaecology of Flacq Hospital, Dr. K. Choychoo, Ag. Consultant in Charge, Paediatric Unit, Victoria Hospital, and the AS was Mr Puddoo.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Minister with respect to this particular case whether any doctor or nurse or Medical Officers have been suspended pending the outcome of the enquiry and whether the Police is also enquiring into this matter?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, I have already replied that the matter has been referred to the Medical Council for appropriate disciplinary action after the enquiry would be carried out.

**Dr. S. Boolell:** Mr Deputy Speaker, Sir, won't the hon. Minister consider that in matters where there are grey areas or hazy areas, that the matter should be referred to the Police and eventually, a judicial enquiry conducted whereby the family may have access to information?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, when we put Fact-Finding Committees, they tell us not to do that. When we take disciplinary actions, they tell us why we do that, and now that we have referred the matter to the Medical Council, the hon. Member wants us to have a judicial enquiry and if we were to open a judicial enquiry, only God knows what other enquiry would he have asked me to do.

*(Interruptions)*

**The Deputy Speaker:** Hon. Mrs Labelle!

**Mrs Labelle:** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, on this question of informing the relatives of alleged victims, may I ask the hon. Minister if he can clearly state whether there is a particular mechanism to inform the families of what is going on? I take an example with your permission, I have a boy of 13 years, there was an alleged case of medical negligence and this family is not aware of what has happened. So, is there a particular mechanism to inform families of the alleged victims?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, I remember quite well, hon. Dr. S. Boolell did put the question to me and I have replied substantively to this question in the House. I have explained to him as a matter of principle, the family has a full-fledged right to be informed of the outcome of any enquiry. Hon. Ms Anquetil put the same question to me and I have also replied to that. You, yourself, hon. Mrs Labelle, you put the question to me; I have given you this reply before. Now, both of them have put the

question, I have already replied to this and I have said to a plea by Dr. S. Boolell, he asked me to kindly review it and I have said: yes, we will and we shall review and I have given clean and firm instructions to all RHDs as a matter of principle they have an obligation to inform those who are concerned with the outcome of the enquiry.

**Mrs Hanoomanjee:** Since we are talking of the delivery of a stillborn child, can I ask the hon. Minister whether he does not feel that it is high time to have a general reform of the gynaecological section and to devise new protocols in new circumstances?

**Mr Bundhoo:** I fully concur with the hon. Member. What have been done when she was there, we shall do it.

**Mr Baloomoody:** The hon. Minister should be aware that whenever there is *mort d'homme* resulting from a case of negligence, there is and there should be a judicial enquiry. In this case, can I ask the hon. Minister whether the medical file and the report of his internal enquiry have been communicated to the victims?

**Mr Bundhoo:** I have replied to the hon. Member personally about this a couple of weeks ago. If the hon. Member goes to the Hansard, he will see the reply. I have said –

“Yes, all would be submitted to the aggrieved persons on request of their Barrister-at-law.”

**Mr Fakeemeeah:** Mr Deputy Speaker, Sir, I wonder if the hon. Minister is aware of the difficult psychological trauma still affecting the mother, in this specific case, who lost the baby. I would like to know from the hon. Minister what has been done and what is being done to repair the damages caused?

**Mr Bundhoo:** I think, if I am not mistaken, I have personally visited this lady at the Dr. Jeetoo Hospital. I think I have. I think that was done at the request of hon. Dr. Arvin Boolell who, on a Sunday morning, asked me to do that. I am sure, I have taken the matter with the RHD and I will have to see to it whether they were provided psychological support.

**Mr Jhugroo:** Can the hon. Minister inform the House, with regard to medical negligence, how is the monitoring done between his Ministry and the Medical Council?

**Mr Bundhoo:** I have just replied extensively to this, Mr Deputy Speaker, Sir. Whenever there is a case of alleged medical negligence and whenever we open an internal enquiry, if there is any grey matter, it is referred to the Medical Council precisely because we are not satisfied. The time lag and the action that is being taken with regard to the negligence, and the disciplinary action are not a reflection of the negligence that has taken place. That is why we are reviewing this. The Ministerial Committee would provide a mechanism for monitoring also.

**The Deputy Speaker:** Time is over! The Table has been advised that PQ Nos. B/516, B/519, B/521, B/522, B/525 and B/526 have been withdrawn.

## **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 Development (Mr X. L. Duval)** rose and seconded.

*Question put and agreed to.*

**The Deputy Speaker:** I suspend the sitting for 44 minutes.

*At 4.16 p.m. the sitting was suspended.*

*On resuming at 5.01 p.m. with Mr Speaker in the Chair.*

## **STATEMENT BY MINISTER**

### **POLICE SERGEANTS - PROMOTION**

**The Prime Minister:** Mr Speaker, Sir, on adjournment time on Tuesday last, the hon. Leader of the Opposition raised the issue of the recent promotion of Police Sergeants over the age of 50 to the Grade of Sub Inspector in the Mauritius Police Force and stated that the exercise was flawed and unfair because of the mix up with the departmental numbers.

Mr Speaker, Sir, I took up the matter with the Commissioner of Police and he informed me that, effectively, he had already received representations from aggrieved Police Sergeants and had already caused the matter to be enquired into at the level of his department. The matter was also taken up with the Disciplined Forces Service Commission which has conducted the promotion exercise. I have impressed upon the Commissioner of Police the need to take the necessary remedial measures so that all the deserving Police Sergeants are fully restored in their rights and this is being done.

## **PUBLIC BILLS**

*First Reading*

*On motion made and seconded the following Bills were read a first time –*

- (i) The President's Emoluments and Pension (Amendment) Bill (No. XII of 2013).

- (ii) The National Assembly Allowances (Amendment) Bill (No. XIII of 2013).
- (iii) The Human Tissue (Removal, Preservation and Transplant) (Amendment) Bill (No. XIV of 2013).

*Second Reading*

**THE PRESIDENT'S EMOLUMENTS AND PENSION (AMENDMENT) BILL (NO. XII OF 2013)**

**THE NATIONAL ASSEMBLY ALLOWANCES (AMENDMENT) BILL (NO. XIII OF 2013).**

*Order for Second Reading read.*

**The Prime Minister:** Mr Speaker, Sir, with your permission I beg to move that the President's Emoluments and Pension (Amendment) Bill and the National Assembly Allowances (Amendment) Bill be read together a second time.

The President's Emoluments and Pension (Amendment) Bill provides for a review of the emoluments payable to the President and the Vice-President in the wake of the last general salary review in the public sector.

The proposed new salaries and allowances to be paid to the President and Vice-President have been recommended by the Pay Research Bureau, after taking into account the recent adjustments made in the public sector pay.

Similarly, Mr Speaker, Sir, the second Bill, i.e the National Assembly Allowances (Amendment) Bill provides for a review of the allowances payable to Ministers and other Members of the National Assembly, as well as Mr Speaker, the Deputy Speaker, the Chairperson and Deputy Chairperson of Committees, amongst others, from the last general salary review exercise carried out by the Pay Research Bureau, as has always been the practice.

Mr Speaker, Sir, last October, the Pay Research Bureau submitted its Report on the Review of Pay and Grading Structures and conditions of service for the whole of the Public Sector. The Government approved the Report *in toto*, and in spite of the difficult international economic environment, payment was effected in full.

The House will also recall that, following representations made by some Trade Unions, particularly regarding the widening salary gap between the lower and upper echelons in the Public Sector, the Government decided to set up an Errors, Omissions and Anomalies Committee under the chairmanship of Mr Dev Manraj. And, as the House is aware, the Anomalies Committee has already

completed its assignment and submitted its Report, which has equally been approved by the Government. The Errors, Omissions and Anomalies Committee Report has been welcomed by the Public Sector employees, especially those at the lower echelons as well as the Trade Unions.

I should add, Mr Speaker, Sir, that the implementation of the recommendations contained in the 2013 PRB Report would have cost Government initially Rs4.6 billion and further to that the Anomalies Committee Report, an additional cost of Rs1.4 billion has been incurred, which means the average annual cost will now be Rs6 billion.

In the wake of the recent general salary review exercise, the PRB has also made recommendations for a review of the allowances payable to Ministers and Members of the National Assembly. The proposed revised allowances, which are payable on an annual basis, are set out in the Schedule to the Bill.

In the same context, the allowances payable to local councillors have also been adjusted.

The revised allowances will be payable with effect from 01 January 2013.

The parity between the Deputy Prime Minister and the Chief Justice and between Ministers and the Secretary to Cabinet has been maintained. The quantum of the allowance payable to the Vice-Prime Ministers was the same as that of a Minister. Their allowance has now been reviewed as in the Schedule. In general, the average increase in parliamentary pay is of the same order as for senior civil service.

However, I would like to emphasize Mr Speaker, Sir, that even with the present increase, the salaries of Ministers and Members of the National Assembly still lag way behind many Chief Executives in the private sector and even State-owned enterprises. As a matter of fact, the pension being paid to some retired Chief Executive Officers in the private sector is still much higher than the new salaries of the Prime Minister and Ministers. One just has to look at the audited annual report of some private companies to have an idea of the remuneration of Chief Executives.

In regard to the allowances payable to the Chairperson, Deputy Chairperson, Commissioners and other Members of the Rodrigues Regional Assembly, I would just like to mention that the Pay Research Bureau has made similar recommendations for a review thereof. However, in order to implement these recommendations, the First Schedule to the Rodrigues Regional Assembly (Allowances and Privileges) Act will have to be amended. This will be done, through Regulations, by the Vice-Prime Minister and Minister of Finance and Economic Empowerment, as provided for under Section 5 of the Act.

Mr Speaker, Sir, there have been questions raised about the timing of the review of the allowances payable to Parliamentarians. The House will recall that in my reply to the Private Notice

Question of 19 November 2012, I informed the House that there would be no payment of the increase in the allowances of the President, Ministers and Members of the National Assembly until the Manraj Report was published and implemented. The then hon. Leader of the Opposition was also of the opinion that the review of pay allowances be deferred until the publication of the Manraj Report.

Questions have also been raised in certain quarters as to the reasons why payment of the revised allowances of Ministers and other Members of the National Assembly is being effected in full, while public sector employees are being paid their salary increases in stages.

This is a matter of confusion for some, Mr Speaker, Sir, let me clarify this matter. As the House is aware, the Errors, Omissions and Anomalies Committee, chaired by Mr Manraj, had to operate under a set of parameters, one of which was “the capacity of the Government to pay”. It is because of this criterion that the Manraj Committee proposed that the payment of the, let me stress - additional salary increase - granted by the Committee, over and above the salary increase recommended by the 2013 PRB Report, be phased over three calendar years. Let me quote the relevant part of the Manraj Report –

“Government finances, although not alarming are by no means comfortable due to the global economic situation. However, lack of financial resources cannot be cited as a justifiable reason to deny public sector employees their due. Nevertheless, it is but critical and imperative that the cost of implementing this Report be kept within the capacity of Government to pay.”

So, Mr Speaker, Sir, the Manraj Committee proposed that payment of the additional, I stress additional salary increase recommended in its Report be effected in three stages: first stage as from 01 July 2013, the second one as from 01 January 2014 and the last one as from 01 January 2015.

The Committee also recommended that the additional increase for the period 01 January 2013 to 30 June 2013 be granted in the form of leave again because of the capacity to pay. However, as the House is aware, Government has decided otherwise, so that the increase for period 01 January 2013 to 30 June of this year should be paid in cash and not in the form of leave. The House will surely recall that for the 2003 PRB Report, payment had been effected at a discounted rate for the period 01 July 2003 to 30 June 2004 and the shortfall was converted into days off. The salary recommendations of the 2003 PRB Report were implemented in full only on 01 July 2004.

Mr Speaker, Sir, in regard to Ministers and Members of the National Assembly, as I have stated earlier, their allowances are reviewed in the wake of the periodic salary revision carried out by the PRB and this has been so since 1987. Accordingly, the PRB had made recommendations in respect of Ministers and MPs in October last, in the wake of its general salary review that is it was done in 2013. I

should add that while the salaries of Ministers have been increased by 32.4%, those of Members of Parliament have been increased by 36.8%.

Mr Speaker, Sir, I must emphasize that it was the additional increase granted in the Manraj Report that has been staged. I emphasize this three times because some people are saying why are we differentiating? We are not differentiating. In fact, it is the additional increase that has been staged. Ministers and MPs have not been granted any additional increase over and above what the PRB had recommended last October. In fact, the terms of reference of the Manraj's Committee did not include the review of the allowances of Ministers and MPs. Consequently, the question of staging the payment of their allowances, which do not contain any additional increase as is the case for public officers, simply does not arise.

Mr Speaker, Sir, Ministers and other Members of the National Assembly, including the Members of the Opposition, have a vital role to play in our democracy. Parliamentary duties are becoming more and more demanding and challenging. If we want to attract the best and brightest to join politics and devote themselves to the service of the nation at the highest level, then we must also be ready to offer at least a remuneration package that is decent and fair.

With these words I commend these two Bills to the House.

**The Deputy Prime Minister rose and seconded.**

**The Leader of the Opposition (Mr A. Ganoo):** Mr Speaker, Sir, true it is that the remuneration package of Ministers and other Members of the House should be the subject of review at regular intervals. Indeed, Mr Speaker, Sir, in our country, we know that after every major salary review undertaken by the PRB, it has been the practice to review the salaries, the allowances of Ministers and Parliamentarians, and other officials like Mayors, etc.

Today, by way of the new Schedule to the Act, which is repealing and replacing the old Schedule, the salaries of the different incumbents are being reviewed, starting with the salaries of the Prime Minister, going through the DPM, the Vice-Prime Minister, the other incumbents, down to the Members of Parliament, to the backbenchers.

Sir, we should, in fact, have no quarrel that Ministers, that other Parliamentarians who have to discharge their responsibilities be granted an increase after five years. The exercise is carried out every five years. It is certainly a very complex exercise. But, for the particular *conjoncture* in which we are in today, Mr Speaker, Sir, allow me to make two remarks.

Cette loi proposant, donc, la révision des salaires des parlementaires, incluant évidemment celles des ministres, du Premier ministre et les autres ministres, M. le président, recommande des révisions, des augmentations dans une moyenne de 30% ; de 25% pour le Premier ministre, 32% pour les ministres, et 26% pour les députés, d'après mes calculs.

*M. le président, le peuple s'interroge aujourd'hui. Comment une telle majoration peut avoir lieu pour les ministres, alors que le pays connaît des moments difficiles sur le plan économique ?* That is to say, Mr Speaker, Sir, we have heard it, since the proposals have become public during the weekend, how the population is finding it. We know that the population is finding it extremely difficult to make both ends meet today. So, the question that people are asking outside is: is it appropriate to serve Ministers so much huge increases? *Mais pire encore, M. le président, cette augmentation intervient dans un contexte très précis dans notre pays.*

I was reading the last debates we had in this House *cinq ans de cela, en 2008*. Hon. Bérenger was the Leader of the Opposition, and he was replying to the hon. Prime Minister. I have gone through the debates of 2003, 2008, concerning the increase of allowances of Parliamentarians, Mr Speaker, Sir. *J'ai réalisé comment, en ce moment, le pays traverse une période assez spéciale.* This is why I did not see any remarks made by the then hon. Leader of the Opposition, which will be the remarks I am bound to make right now. *L'honorable Premier ministre, en 2008, expliquait comment son gouvernement avait bien travaillé, avait décharge les ministérielles responsabilités, et justifiait les augmentations à l'époque. Il n'y avait aucun commentaire de la part du then Leader de l'opposition.*

Mais, aujourd'hui, M. le président, cette révision salariale pour les ministres intervient dans un moment, malheureusement, où nous savons tous que l'incompétence de certains membres du gouvernement a été systématiquement décriée. C'est là où le bât blesse ; c'est là où le peuple ne veut pas digérer ou accepter une hausse salariale aussi massive que cela pour les ministres.

We know, Mr Speaker, Sir, it is not the Opposition that is making the argument. Hon. Reza Issack went at war for long, long weeks against *l'incompétence* of some of our Ministers. He was supported by hon. Assirvaden, by hon. Ms Deepalsing. He was denounced, *c'est vrai*, by hon. Dr. Abdullah Hossen, and the Minister of Environment, hon. Virahsawmy, joined in to support hon. Dr. Abdullah Hossen. What I mean to say, Mr Speaker, Sir, hon. Reza Issack courageously denounced, therefore, for some long weeks, as I said, the incompetence of certain Ministers. *Donc, de notre côté, dans l'Opposition, nous assistons avec un malin plaisir ce carambolage à la Travailliste.* Be that as it may, Mr Speaker, Sir, the increase in favour of Ministers comes at a time when the morale of the nation is very low, when a feeling of gloom and despair overwhelms our population in view of the poor and efficient level at which the

administration of public affairs is taking place in this country. The people, therefore, are asking the question.

*Today, je répète, M. le président, c'est un contexte précis. Cette augmentation, cette révision salariale est intervenue à ce moment précis où les membres du gouvernement sont eux-mêmes en train de crier, shouting on roof tops, underlying, highlighting cette question d'incompétence.* Therefore, the question that the people are right asking is: are we, therefore, rewarding *l'incompétence de certains ministres?* *Pour eux, la hausse des salaires n'est pas justifiée pour certains de la majorité gouvernementale qui, semaine après semaine, malheureusement, étaie cette incompétence.* That is why I can understand the disapproval by many quarters, Mr Speaker, Sir, of this proposed increase as regards certain of our Ministers.

Je lisais, M. le président, pendant le weekend, l'éditorial d'un éditorialiste qui disait avec raison que ce n'était pas une question de quelques roupies de plus. Il disait –

“Ce ne sont pas les montants en jeu qui doivent susciter le débat. Y a-t-il vraiment quelque chose de scandaleux à ce que le Premier ministre touche R 282,000 (...).”

Il faisait le point, et je le cite –

“Ce qu'il convient de dénoncer, en fait, c'est le manque de compétences au sein du Conseil des ministres.”

*M. le président, I am quoting from the editorial. Il disait que nous sommes un mauvais élève – l'île Maurice – parce que, en vérité, nos gouvernants n'arrivent pas à incentivising the people to act in a certain way. Donc, voilà la question principale, aujourd'hui, qui doit être au cœur de ce débat, où le gouvernement vient proposer certaines augmentations salariales pour la classe politique, M. le président.*

*Mais, ajouté à cela, what we find deplorable on this side of the House, Mr Speaker, Sir, is that the PRB has once again récidivé, repeated the same mistake as regards backbenchers, les députés, the Members of Parliament. Let me explain myself, Mr Speaker, Sir. Unlike the case of civil servants where the Salary Commissioner, Mr Manraj, has been able to reduce l'éventail entre les grands salariés et les petits salariés, where le fossé has been reduced, in the case of Parliamentarians, we note sadly that l'éventail s'est élargi en terme absolu, M. le président. L'éventail entre les ministres et les backbenchers s'est creusé davantage and I think that it is an injustice which, unfortunately, has been made to perpetuate. Backbenchers and Members of Parliament, as we know, have to bear the burden of providing for their Constituencies, Mr Speaker, Sir.*

The demand and the pressure on MPs today are more acute and greater than ever before, Mr Speaker, Sir. We all live in the Republic of Mauritius and we are very aware of all our political traditions, habits, political culture - helping a football club, *telle société, tel lieu de culte*, this religious festival, etc, etc, Mr Speaker, Sir. Many of our MPs have no second job. They do not exercise any profession. In other words, the backbenchers were earnestly hoping, Mr Speaker, Sir, for some relief and wishing that the injustice which was created in 2008 be cured.

*Mais la question fondamentale qu'on se pose, M. le président, quand nous regardons la grille et les propositions aux backbenchers est celle-ci:* Does this not deter young professionals, the best brains of our country to be attracted to serve their country as MPs; and does not that mean, Mr Speaker, Sir, that it is only young people of rich origin - who can rely on financial support from their kin, from their parents - who will engage in politics, because in spite of the unattractive package of MPs they can rely on other sources, in spite of the meager packages offered to MPS. Mr Speaker, Sir, the point I am making is that this disparity, this *fossé*, this relativity between backbencher MPs and Ministers has been made to perpetuate unfortunately.

Mr Speaker, Sir, I would end up perhaps by saying two things. Firstly, every time the PRB is made public, the employees in the private sector express their dissatisfaction. We know that workers in the private sector are granted salary compensation every year and we know how insufficient that is, Mr Speaker, Sir. What is the solution therefore? I have in the recent past myself, in October last year, asked a Parliamentary Question to the hon. Minister of Labour on whether consideration should be given to the advisability of legislating for the provision of Remuneration Orders mandatorily every five years, that the Remuneration Orders should be reviewed by the NRB every five years in an imperative and mandatory manner, Mr Speaker, Sir, as it is the case in the public sector. Now, in the public sector it is less than five years; from what I understand, Mr Speaker, Sir, the next PRB will be in January 2016.

To this Parliamentary Question which I asked, the Minister, hon. Mohamed replied, Mr Speaker, Sir, that the law will have to be amended and so on. But, it is in fact, Mr Speaker, Sir, a matter of urgency that we revisit the law and we see to it that employees of the private sector should also, as the case in the public sector, have their salary reviewed every five years.

This is what the hon. Minister said –

“Although there is presently no legislation governing the review of Remuneration Orders every five years, it is the practice of the NRB to review sectors which have not been reviewed for more than five years.”

And he said –

“The Remuneration Orders are referred to the NRB in a phased manner and my Ministry has *depuis 2010* up to date....”

*C'est-à-dire* up to 2012.

“...referred nine Remuneration Orders to the NRB for review.”

But, Mr Speaker, Sir, I do not think the hon. Minister should be so much proud of what he was offering as answer to the House because in the span of two years, only nine Remuneration Orders have been referred to the NRB.

But, more shockingly, Mr Speaker, Sir, let me tell you one thing, I am sure the House will be shocked to learn that there are sectors in the private sector where, for ages, wages of employees in different sectors have not been reviewed and have not undergone any change. I can give you a few examples, Mr Speaker, Sir. In the EPZ sector, no review and no increase has taken place with regard to the employers since 1984! In the salt industry, no review has taken place since 1983! *Dans le domaine de la presse*, Mr Speaker, Sir, it is since 1996; for security guards, it is since 1986; for private secondary schools, it is since 1984, Mr Speaker, Sir. So, this is the appalling situation in which employees of the private sector find themselves. Government must address this problem so that the employees of private sector in our country, our citizens should also obtain the same treatment as the public servants obtain in the case of the PRB.

The last point that I wish to make, Mr Speaker, Sir, concerns precisely the question of the PRB. I have listened to the hon. Prime Minister commenting on the situation, clarifying the situation now because there was so much confusion about this payment *in toto*, on whether the payment was going to be done *in toto* or not. The hon. Prime Minister has clarified the situation now.

In the case of the PRB, Mr Speaker, Sir, we must all recall that the Aujayeb Report was approved by this very Cabinet, by the Prime Minister and his Cabinet. It was after the outcry of the civil servants in this country, *la levée de boucliers* of the trade union federations that Mr Manraj was appointed and he came up with different proposals. But, from what I have heard from the hon. Prime Minister justifying, Mr Speaker, Sir, why the increase will be staged in the case of public officers, – the additional increase as he has just explained to us – I must tell him that there will be a lot of disappointment among the civil servants and the trade unions. Because the hon. Prime Minister, himself, said after a Cabinet meeting that the additional salary increase will be paid at one go *in toto*. He, himself, created that hope for the civil servants of this country, Mr Speaker, Sir.

Today, the hon. Prime Minister has clarified the situation and has justified why the additional increase will be staged in the case of the public officers, that is, in July 2013, January 2014 and January

2015. This will be a great disappointment for the unions, trade unions and federations, Mr Speaker, Sir. Let me tell the hon. Prime Minister that it is only if the increase is paid *in toto* that the civil servants will obtain 20% to 22% increase. I am sure that the hon. Prime Minister is aware of that. I repeat that it is only if the salary increase is paid *in toto* that the amount will come to 20% to 22% increase, if not, staged as you are proposing, it will amount to only 10% to 12%. So, get ready *pour affronter la colère des fonctionnaires dans les jours qui viennent*.

So, this is all I had to say, Mr Speaker, Sir. There are three main points which I have made, Mr Speaker, Sir. *Malheureusement, dans le contexte où nous vivons et dans lequel notre pays est en train de traverser, M. le président, the buzzword est l'incompétence. Malheureusement!* And the hon. Prime Minister has chosen the wrong moment to come and impose salary increase of Ministers on the head of the population.

*Deuxièmement, pour les backbenchers, malheureusement la situation n'a pas changé. Au contraire, l'injustice s'est perpétuée – l'injustice créée en 2008, M. le président. Et troisièmement, ce que je voulais dire, c'est bien dommage pour les fonctionnaires that Government has refused to pay them *in toto* and that will create a lot of frustration in this country. So, I say to the hon. Prime Minister and Government: beware the Ides of June.*

*Merci, M. le président.*

(5.23 p.m.)

**Mr C. Fakemeeah (Third Member for Port Louis Maritime & Port Louis East):** Thank you, Mr Speaker, Sir. Praises be to Almighty and peace be upon all of us and the whole population.

Mr Speaker, Sir, I pause for a minute because it is of utmost importance that we commend and call to recognition the courageous stand of the hon. Prime Minister when he announced this morning his courage to ask his Attorney General to step down. I recall it was my request through a question, but this was not an easy decision for our Prime Minister, but it is certainly a wise decision.

*(Interruptions)*

**Mr Speaker:** Hon. Member, I do not find any link with what the hon. Prime Minister announced or said this morning in respect of the present Bill.

*(Interruptions)*

Silence! I will invite the hon. Member to comment on the Bill.

**Mr Fakemeeah:** I understand, Mr Speaker, Sir, but it touched me so much that I...

(*Interruptions*)

Wise man takes wise decision for the interest of the country.

Returning back to the issue of today, this House ...

(*Interruptions*)

**Mr Speaker:** No interruptions! Let us listen to the hon. Member, please! Proceed, hon. Member!

**Mr Fakemeeah:** They have to know that I am not traditional like them. I have to voice the truth.

(*Interruptions*)

This House is being called to vote the President's Emoluments and Pension (Amendment) Bill and the National Assembly Allowances (Amendment) Bill.

Mr Speaker, Sir, the objects of these Bills are to provide for an increase in the emoluments payable to the President and the Vice-President, to the Ministers and other Members of the National Assembly in the wake of the salary review recommended by the PRB in its report of 2013. All those concerned by these two pieces of legislation are not supernatural human beings. They certainly do not live in a vacuum, but in a tiny small country with no natural resources except the courage of its people, who keep on sweating and toiling to shape a bit more the future of this rainbow nation. One has to understand and to be more humble.

If those two Bills are to be adopted in their actual form, I can only fear the worse for the sons and daughters of this land. Who on earth can imagine the magnitude of those big increases for the President and Vice-President, the hon. Prime Minister, the hon. Deputy Prime Minister, the hon. Vice-Prime Ministers and the Ministers and say that this is correct? No! One cannot do this. *En son âme et conscience, c'est impossible!* Because the figures circulated are just insults to the sufferings of those 123,000 Mauritians living in extreme poverty in this country. These mega salaries are crushing a bit more each day *la classe moyenne qui n'arrive plus à rembourser ses dettes* against this backdrop we are being asked to vote for a pay increase. No, Mr Speaker, Sir! We cannot tolerate such thing in our august Assembly. Since Friday last, there has been an outcry in our country. I need not emphasise how Government, in its sole wisdom, decided to couple these Bills and a 50% increase of television licence fee. But, for this, I will come over later.

Mr Speaker, Sir, I call the attention of our Leaders, please, and I pray that this go be internalised. Mr Speaker, Sir, in Tunisia, all started because some people at the head of the country refused to listen to the cry of the voices of the road. Then, it went on to Egypt and to Libya. Now, it is in Syria and Turkey. I

thought that this would be an eye-opener for some people in this House. But since they remain in their ivory tower, they cannot sense the frustration of the nation, *mais ils préfèrent continuer à vivre dans leur bulle.*

Closer to us, Mr Speaker, Sir, only this month Kenyan legislators, Africans like us, have agreed to lower salaries. A Government commission said on Wednesday: after weeks of debating and demanding higher pay, which sparked off public outcry and protests, the Salaries and Remuneration Commission said that they have agreed with Parliament that its Members will get around USD75,000 and not around USD120,000, a yearly salary that legislators of the previous Parliament earned. The legislators will also get - in Kenya, I mean – a one-off \$59,000 car grant to buy a vehicle of their choice and can claim mileage also under the Local Automobile Association rates. Average income, as we know in Kenya, is US\$1,800 a year, which has fueled rage over the legislators' salaries.

One would recall that as soon as I got elected as leader of the FSM, one of my main actions was to ask - certainly the hon. Prime Minister will recall - him a salary reduction of 30% and today we are facing a demand for an increase of 30%. As a pledge, I have since day one, in this august Assembly, devoted all my income towards the poor, the needy and the downtrodden. Today, we have to reduce lavish pay and privileges for Ministers. We have to bridge the gap between MPs and Ministers since MPs are more often present in their Constituencies than Ministers.

*(Interruptions)*

**Mr Speaker:** Hon. Soodhun!

**Mr Fakkeemeeah:** In an exam, Mr Speaker, Sir, you need to score marks to pass and better marks to get credits. It is a known fact that 40% is the minimum pass rate while 50% is the credit rate. On Saturday last, L'Express newspaper published an appreciation of hon. Ministers' work. Can you imagine, Mr Speaker, Sir, that only one Minister - hon. Arvin Boolell who is absent now - score a credit. This is not surprising as he represents the future of the Labour Party. It is my opinion that he is, actually, the current Prime Minister waiting.

*(Interruptions)*

It is my opinion! But all the others have miserably failed to achieve, at least, a 40% score with the exception of - what is written on the publication – the hon. Vice-Prime Minister, Minister of Finance. I also mentioned that I appreciate our two Ministers, hon. Sayed-Hossen and hon. Bachoo who are working hard, I have to say it. I need not talk of others. I will not mention others who have miserably failed, but then again, do those low-performing Ministers deserve a pay increase, Mr Speaker, Sir? Shouldn't we put that claim before the population, whose money we will use to pay, and let them decide by way of

referendum? Who has to fear or to lose? Let's see what is happening elsewhere! In France for example, President Hollande has taken a 30% pay cut, his Prime Minister did the same. In Italy, MPs have gone through two pay cuts; 10% in 2006 and in 2011 also after being one of the countries having the highest salaries for MPs. In Spain too, there have been salary reductions. Let us take the case of Germany, a country which has been doing well in the economic front. The last salary increase for MPs dated back to 2009 with only an additional amount of 4.4%. My questions, therefore, to this august Assembly: are we not living above our means? Please contemplate ourselves and analyse ourselves for the sake of the country. Is it the right time to propose such indecent and grossly exaggerated salary increase for Ministers? Today, in all other parts of the world the fight is against poverty. The fight against poverty is the rule of the day. Even Pope Francois has asked his priest to live in a much more simple way to attend the needy. He has made the fight against poverty his priority in his first speech as Head of State of the Vatican while addressing the Diplomatic Corps. Only on this item the Labour Party - I appeal to the hon. Prime Minister to listen to it with his heart - will be judged if he is really putting people first or incompetency first *car le pays va mal, de mal en pis et cette augmentation va exacerber la situation sociale déjà tendue.*

I urge, as a Member of this House, the hon. Prime Minister to understand the suffering of our people. Please retain for one more year for the sake of God, for the sake of our new Republic. *Nous n'avons rien à perdre, bien au contraire le peuple appréciera.*

*Merci, M. le président.*

(5.35 p.m.)

**The Prime Minister:** Mr Speaker, Sir, let me try to respond to these, maybe I could call them criticisms, but let me just respond one by one. First of all, let us not forget, I will also appeal to the hon. Member and to the hon. Members of this House, as if everybody has forgotten in what economic context we are giving the PRB report. In other countries, they are reducing salaries, they are kicking people out of jobs or they are maintaining a fixed salary, there's no increase. In a country like Singapore this has happened, Mr Speaker, Sir. In this country, we have been able to do this because all international organizations, all the leaders, be it the IMF or the World Bank, they have all praised Mauritius for our economic performance in a very difficult economic situation. I again appeal generally that people know what is happening in the world. We would not have been able to pay any increase if our performance was no good and the economy did not allow it. We cannot take money out of thin air and give it to people. That is not possible, firstly.

Second thing, Mr Speaker, Sir, at the same time you see in the papers, in the Opposition there is general debate that we need to get better people in organisations, better politicians, more able, not incompetent ones and etc. But we all know the wine that you drink at the end of day depends on the vineyard. If you're going to attract people who cannot do anything, who have not achieved any success and think that if they come into Parliament, at least, they will get something, then you will get that result. We must decide what we want. I appeal to my friends, the journalists: decide what you want! If you want to attract the best and the brightest, then you have to motivate them to come, otherwise, they are not interested. Do you know, Mr Speaker, Sir, how many people have told me during the last election, I suppose the same problem happens to the other parties that they would have liked to serve, but they are not prepared to come and serve for the pay that they get and for the criticism and the life that they are going to lead. You have to decide what you want. If you want to continue with this, then we continue with this, but that is what we have to reflect, we have to have a full debate on what we want to achieve. I think so.

Thirdly, Mr Speaker, Sir, we are talking about incompetence of Ministers. And who gives the mark, my God, *La Sentinel*! If *La Sentinel* was influential, the Labour Party would have never been in power.

*(Interruptions)*

Never! On the contrary, I am happy when I see *La Sentinel* says this because this does not work that way.

*(Interruptions)*

Never! No. Journalists decide to give marks, since when? And since we're talking of competence, do you know how many false news? I wish people would know. I was just trying to get this. Let me see if I have it.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** Do you know in the media? Let us ask the media! What do the top journalists, Editor-in-Chief and all this get? Go and see! In the name of transparency, let us publish what the CEO's and the Editor-in-Chief get. Let us publish! You will see, some Rs3.6 m., others more - let us see annually - more than the Prime Minister, what we are talking about. And I don't run a gossip column, I run a country. But let me say, Mr Speaker, Sir, you must decide whether you want to attract the brightest and the best, otherwise, okay we'll do with what we have.

The other thing I want to say, Mr Speaker, Sir, I think the hon. Leader of the Opposition, probably, is partly right what he has said about the gap. In fact, let's not forget one thing, when you are a Minister in the Government you cannot work outside. You cannot take any job, whereas if you are a backbencher you can. And some of the backbenchers of the Opposition themselves...

*(Interruptions)*

Some of them! Ask hon. Reza Uteem how much he gets outside!

I know. I have an idea, anyway. So, let us...

*(Interruptions)*

Yes. You work and I applaud you for this. You work. You have to work, but this is not true for Ministers. They cannot do another job. The other thing you must note; in fact, the report has tried to minimise the gap. But, the gap was big. Not from today, from 1987 it is going on like this. The Ministers...

*(Interruptions)*

You got the percentage wrong; Ministers have been increased by 32.4%, but MPs have been increased by 36.8%. You mentioned 26% because they start from a lower level, but the gap is decreasing, in other words. If you wanted to keep the gap in absolute terms, you would have had to give an increase of 94%. Then, what my hon. friend would have said: 94% to MPs! You would not have agreed. So, that is why we are trying to correct.

But, let me say something else, Mr Speaker, Sir. Since hon. Fakkeemeeah mentioned about this, he did, in fact say this, I am not saying he did not say it, but everybody seems to have forgotten that after the 2005 elections when we came to power, then the economic situation was terrible. We know this. What the economic situation was and what did we do? All of us accepted a decrease in salary. We accepted a reduction in salary. I must say, Mr Speaker, Sir, in all frankness, I regret it. You know why? We accepted an important decrease in salary, within one week everybody had forgotten what we had done. So, why should we? That is what I asked, but we did accept on the first in 2005. So, we look at what things are getting.

Let me say another thing, Mr Speaker, Sir, let me say it because I don't know why, I can't remember in 1993 whether the MMM was still in the Government. I think they were at that time. You know in 1993, Mr Speaker, Sir, believe it or not, the increase in salary for the Prime Minister in 1993 for the PRB Report was 92%. 92%! And we know what the situation was: 92%, for the Deputy Prime Minister it was 75%.

*(Interruptions)*

**Mr Speaker:** Silence!

**The Prime Minister:** For the Ministers it was 60%, for the PPS it was 60.7% and for Members of Parliament, 65%. Let me tell you, GDP growth was 4.9%.

*(Interruptions)*

**Mr Speaker:** Silence! Some order!

**The Prime Minister:** Yes, hon. Leader of the Opposition, as well. Even today, the hon. Leader of the Opposition is getting, let me say, 30.4% increase. He is not saying that. And, let us not forget, if they were that competent why the hell were they booted out in 1995! Why the hell!

*(Interruptions)*

What? People are unreasonable! No... let us not forget!

*(Interruptions)*

**Mr Speaker:** Please, I want some order! Now, it is getting too much!

**The Prime Minister:** Do you know, Mr Speaker, Sir, let us compare like with like. You know, I don't want to pinpoint, but in some of the private sectors, believe it or not, you will be surprised, some CEOs or Chairmen, do you know, Mr Speaker, Sir - I am sure some of them will not be surprised because they know quite well, because they are friendly with them - some people are getting Rs40 m. annually. Would you believe it? But, that is the case. We are in the same country and people are getting that kind of money outside. So, you must remember what we are doing.

My friend, hon. Fakeemeeah, mentioned Kenya. Let me tell you, in spite of this - it is true what you are saying, obviously he has followed this very well, it is true - in Kenya, I am not talking about the President, the Prime Minister of Kenya actually gets, after all this review, Rs7.3 m. annually compared to us, about Rs3 m. This is the difference. I don't want to compare with other countries. If you come, I have the comparison, it would be terrible, but there is no need. In Singapore, it is Rs51 m. for the Prime Minister annually. So, we must decide what we want, Mr Speaker, Sir, and as I said, let me also just say that the strength of democratic institution will depend on the quality of the people that we attract to serve, be it in the political arena or elsewhere. This is why we have to attract people to come and you know the reason why people are not coming.

Let me also say, Mr Speaker, Sir, I think the hon. Leader of the Opposition mentioned this NRB whether they could do the same for the private sector. We are, in fact, looking at all this - I must say it to the House - we are also looking at whether we should have a minimum wage, but we are looking at this and this is something that we are considering and we will consider because I think he is right to say that

they can do once and then they are not forced by law to do anything. But whether we can actually, also we have to be careful that we don't actually put so many regulations that they cannot pay and then, they get all sorts of difficulties after that, but that is what I think the main things that were said, Mr Speaker, Sir. I am trying to see if there is anything else I have missed. I think that is more or less it. I could say a lot of other things, but I think I have addressed the issues that have been debated here.

Thank you.

*Question put and agreed to.*

*Bills read a second time and committed.*

### **COMMITTEE STAGE**

*(Mr Speaker in the Chair)*

*The following Bills were considered and agreed to –*

- (a) *The President's Emoluments and Pension (Amendment) Bill (No. XII of 2013)*
- (b) *The National Assembly Allowances (Amendment) Bill (No. XIII of 2013)*

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

*Third Reading*

*On motion made and seconded, the following Bills were read the third time and passed -*

- (a) *The President's Emoluments and Pension (Amendment) Bill (No. XII of 2013)*
- (b) *The National Assembly Allowances (Amendment) Bill (No. XIII of 2013)*

(5.50 p.m.)

*Second Reading*

### **THE REVENUE AND VALUATION APPEAL TRIBUNAL BILL**

**(NO. XI OF 2013)**

*Order for Second Reading read.*

**The Minister of Agro-Industry and Food Security (Mr S. Faugoo):** Mr Speaker, Sir, with your permission, I move that the Revenue and Valuation Appeal Tribunal Bill (No. XI of 2013) be read a second time.

The Government Programme 2012-2015 proclaims in no uncertain terms: Moving the Nation Forward.

By introducing the Revenue and Valuation Appeal Tribunal Bill before the House, Government is laying yet another milestone in our legal process.

Mr Speaker, Sir, as per the commitment of the Government, this Bill aims at improving the efficiency of the public service through –

- (a) rationalisation in the use of resources;
- (b) ensuring cost effectiveness, and
- (c) early disposal of cases.

This Bill will not only enhance the effectiveness of our overall justice system but also instil even more confidence in our business and commercial sectors, and ensuring that the “Ease of doing business” is further enhanced.

Indeed, Mr Speaker, Sir, the main objects of this Bill are to provide for –

1. the establishment of a Revenue and Valuation Appeal Tribunal;
2. the consolidation of the existing provisions relating to the Assessment Review Committee under the Mauritius Revenue Authority Act and the Valuation Tribunal under the Local Government Act into a single enactment, and
3. the creation of a mediation process, which is a new process whereby parties before the Tribunal may agree to settle their dispute within a period of 90 days.

Mr Speaker, Sir, it is to be noted that the introduction of this Bill before the House is yet another step in concretely implementing paragraph 31 of Chapter 4 of the Government Programme 2012-2015, which states, and I quote –

“Several existing tribunals, including the Environment Appeal Tribunal where major projects are currently the subject of litigation, will be consolidated to enable them to sit full time so that cases are heard and disposed of expeditiously while ensuring cost effectiveness and rationalisation in the use of resources.”

In the Budget Speech 2012, it was mentioned at paragraph 326, that to speed up decisions on appeal cases, Government will be consolidating 12 appeal tribunals into 3, namely the Environment and Land Use Appeal Tribunal, a Revenue and Valuation Appeal Tribunal, and a Regulatory Authority Appeal Tribunal.

The House will recall, Mr Speaker, Sir, that last year, that is, 2012, we have passed the Environment and Land Use Appeal Tribunal Act, and I am happy to inform the House that today this tribunal is fully functional and has heard and disposed of a number of appeal cases.

With this Bill, we are moving the process further with the Revenue and Valuation Appeal Tribunal. I am also pleased to announce that we will shortly introduce a legislation which will provide for the establishment of the Regulatory Authority Appeal Tribunal, as announced in the Budget speech of 2012.

Mr Speaker, Sir, with these words, let me now take the House through the salient features of the Bill.

The Tribunal is set up under clause 3(1) of the Bill, and will be chaired by Barrister of not less than 10 years' standing, appointed by the Public Service Commission.

I shall, Mr Speaker, Sir, at the outset elaborate upon the human resource and logistical aspects of the Tribunal.

Clause 3(2) (b) provides for one or more Vice-Chairpersons being Barristers of not less than 5 years' standing, appointed again by the Public Service Commission.

In addition, clause 3(2) (c) gives the Attorney General, as is the case for the Environment and Land Use Appeal Tribunal, the power to appoint members of the Tribunal who should, in this case, have experience in accountancy, economics, valuation, taxation, law or business administration.

Similar to the Environment and Land Use Appeal Tribunal, the Chairperson and the Vice-Chairperson may be called upon by the Public Service Commission to act as Chairperson or Vice-Chairperson of a Tribunal established under any other enactment. This will allow for flexibility in the membership of Tribunals at the higher echelons, rationalisation in the use of human resources, and will ensure that no Tribunal is paralysed for want of a Chairperson or Vice-Chairperson.

In order to ensure efficiency in the discharge of its functions, clause 7 provides that the Tribunal may sit in one or more divisions, and that a decision of a division shall be considered to be a decision of the Tribunal.

In terms of staffing, clause 3(8) (b) provides that the Secretary to Cabinet and Head of the Civil Service may, at the request of the Chairperson, designate such public officers as may be necessary to enable the Tribunal to discharge its functions.

Lastly, on the human resource and logistical aspects for the proper discharge of the functions of the Tribunal, the Master and Registrar may, after consultation with the Chairperson, designate such number of ushers as are required for that purpose.

Mr Speaker, Sir, I shall now proceed to elaborate on the jurisdiction of the Tribunal. Upon the Bill being voted and proclaimed, the Tribunal will subsume the functions of the Assessment Review Committee and those of the Valuation Tribunal so that essentially, all appeals that now lie to the Assessment Review Committee and Valuation Tribunal will now lie to the Tribunal.

The appellate process has now been clearly spelt out. At clause 4(2), any person lodging an appeal with the Tribunal has to forward a copy of his grounds of appeal to all parties to the appeal within 28 days, and at clause 4(3) (b), no ground other than a ground set out in the notice of appeal shall be considered at the hearing.

These provisions make the appellate process certain, in that parties to the appeal are not taken by surprise and know exactly what case they have to meet with. This will no doubt avoid unnecessary postponements due to the unpreparedness of parties, and will ensure that appeals before the Tribunal are disposed of expeditiously.

While the Tribunal has been given the latitude to conduct its proceedings according to its own rules made under clause 12, the Bill provides, at clause 5, for a well-defined framework within which such proceedings are to be conducted.

The Tribunal has been made under clause 5(2) to sit in divisions, so that its business may be despatched with expediency. Timelines have also been set under clause 5(7). In relation to an appeal, a division has to fix an appeal for preliminary hearing within 120 days from the date the appeal was lodged. In addition, it has to make a determination not later than 45 days after the close of the hearing of the appeal, save in exceptional circumstances and with the consent of all parties. Finally, it has to endeavour to complete all proceedings and make its decision within 12 months of the lodging of the appeal.

It is also worth noting that a division has to avoid formality in its proceedings. This not only contributes in minimising unwarranted procedural objections, but also makes it more conducive to an appellant making his case before the Tribunal.

One major innovation brought in this Bill, Mr Speaker, Sir, is an in-built mediation mechanism within the Tribunal that allows parties a time frame of 90 days to settle a dispute under clause 5(9). Any agreement reached by the parties before a mediation panel is final, conclusive and binding on the parties, and considered to be a decision of the Tribunal.

Where no agreement is reached by the parties before a mediation panel, the matter is referred back to a division of the Tribunal for a determination within the set time frame.

One golden thread that runs through this Bill and the Tribunal set up under it, Mr Speaker, Sir, is efficiency, certainty, finality and predictability. To that end, clause 6 of the Bill clearly lays out that the burden of proof lies on the person liable to pay the tax or claiming that the tax has been paid.

Finally, in line with our time-honoured respect for the rule of law, there is the possibility of appealing against a decision of the Tribunal to the Supreme Court under Clause 8.

Mr Speaker, Sir, what characterises the Tribunal set up under this Bill is certainty and expediency in, and the streamlining of, the appellate process, whilst respecting the sacrosanct principle of the rule of law.

This will, no doubt, ensure that a citizen who feels aggrieved by an administrative decision relating to revenue and valuation has a sound and efficient mechanism whereby he can appeal against such a decision.

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

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval) rose and seconded.**

*At this stage the Deputy Speaker took the Chair.*

(6.11 p.m.)

**The Leader of Opposition (Mr A. Ganoo):** Mr Deputy Speaker, Sir, on this side of the House we welcome this Bill. We welcome the setting up of the Revenue and Valuation Appeal Tribunal.

I shall be very brief. In fact, I will take less time than the hon. Minister and my two other friends on the Opposition will have the occasion to elaborate more on our position in this Bill. I have to make a few points, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, we welcome this Bill because we are in agreement with the objects of the Bill, which are to consolidate the ARC and the Valuation Tribunal into a single enactment and especially to provide this mediation mechanism, where parties will settle their disputes within a period of 90 days. This is a laudable initiative as the hon. Minister just underlined, Mr Deputy Speaker, Sir, and we are at ease with this proposal.

Mr Deputy Speaker, Sir, with the following proviso, unless the institution is properly resourced with adequate staffing, I believe that it is illusory to believe that matters can be settled within so many

days. Already from our experience, Mr Deputy Speaker, Sir, at the Bar, we know that the ARC is functioning inadequately, being grossly under-resourced and this is why I wish to make the point that, unless staffing issues are addressed, the aims, the objects of legislation however laudable and noble they are, are unlikely to be met.

Concerning other sections of the Bill, Mr Deputy Speaker, Sir, section 3(2) and section 3(4), the question I wish to raise is that it is now becoming a habit, because in the previous Bill that was referred to by the hon. Minister; the Environment and Land Use Appeal Tribunal, in that case also, members sitting on the Tribunal were appointed by the Attorney General. And we find this again in this present Bill, Mr Deputy Speaker, Sir, that the members who are going to assist the Chair or the Deputy Chair, will, according to the section 3 of the present Bill, be appointed by the Attorney General.

We should be guarded against this, Mr Deputy Speaker, Sir. I think we should not ring the alarm bells, but we should try - and this is an appeal to Government - to find an alternative solution to the appointment of members on Tribunal. We have nothing against any Attorney General. *On parle dans l'absolu*, Mr Deputy Speaker, Sir, but we know that in our country, the Attorney General is more or less a political appointee. The Attorney General is a politician although he is the Principal Adviser to Government by virtue of the Constitution, but the Attorney General is a political appointee if he is not elected, and if he is elected, of course, he comes from the rows of the majority. So, I think we should be careful about legislating to empower the Attorney General in our context, in our situation, to appoint members who will sit on an independent Tribunal which is a quasi judicial body, Mr Deputy Speaker, Sir.

The other point I would wish to make, Mr Deputy Speaker, Sir, concerns section 3(8) with regard to the record of proceedings.

I read section 3(8)(a), Mr Deputy Speaker, Sir –

“There shall be a Clerk to the Tribunal who shall be appointed by the Public Service Commission and who shall be responsible for –

- (i) keeping a record of the proceedings of the Tribunal”.

Now, the point I wish to make, Mr Deputy Speaker, Sir, is that the record of the proceedings of this particular Tribunal should be kept in a register that should go also online, and should be available for consultation to the public during business hours, either free of charge or at a reasonable fee. Mr Deputy Speaker, we know what will be the ambit of this Tribunal, what will be its jurisdiction, how important that jurisdiction will be. So, I repeat, I am submitting that the record of the proceeding of this Tribunal should be kept in a register that should also go online and be available for consultation to the public, to litigants, to Counsels during business hours either free of charge or at a reasonable fee.

One of the practical difficulties presently at the ARC, Mr Deputy Speaker, Sir, is to obtain proper access to previous decisions of the ARC. Therefore, the reason for my submission is that this would assist those who wish to enter a litigation to know what the precedents are.

Finally, Mr Deputy Speaker, Sir, I come to the section concerning the mediation panel. section 5(9)(a), I quote –

“Where, before the hearing of an appeal, the parties jointly state in writing to the Chairperson that they are willing to settle the dispute by way of mediation, the Chairperson may refer the matter a mediation panel.”

Here again, Mr Deputy Speaker, Sir, I come to the issue of under-resourcing. According to me, the same persons are being asked to carry out numerous functions and this within time limits. I again make the point I just made a few minutes ago, Mr Deputy Speaker, Sir, unless staffing issues are addressed, the aims and objects of legislation can be nullified, can run the risk of not being met.

With these words, Mr Deputy Speaker, Sir, I wish good luck to the Tribunal and, as I said, my two other friends from this side of the House will make their comments later on.

Thank you.

(6.09p.m.)

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I thank the Leader of the Opposition for welcoming this Bill which appears therefore non-controversial. I will reply to some of the points that the Leader of the Opposition has raised in a moment. I must say, Mr Deputy Speaker, Sir, the idea that the Government is putting into effect today, and I think it was in May 2012, last year at this time, we also passed the Environment and Land Use Appeal Tribunal and coming up next is a Regulatory Authority Appeal Tribunal, but the grand design of Government is to dissociate the appeal process from the licensing and the taxing process, because previously many Ministries or authorities were themselves – Tourism Authority or whatever, ICT Authority – awarding permits and - maybe the Minister himself or someone - should not be totally independent from the authority, having to decide on an appeal process. Now, Mr Speaker, Sir, it is very laudable that we are, as much as possible, dissociating the appeal process, formalising the appeal process, professionalising the appeal process, making it more efficient, making it quicker and that is the whole point of this Bill that I welcome today as well which is the Revenue and Valuation Tribunal Bill.

I take the very valid point made by the Leader of the Opposition that you can have good intention, but it is, in fact, in practice as when you resource the Tribunal that you will find whether the

Tribunal is effective or not. I can assure the hon. Leader of the Opposition that we will provide the additional resources that are necessary. Already, there is going to be one Chairman, of course, appointed by the PSC, one or more Vice-Chairpersons - and that is important - and up to 10 members. So, already the Tribunal will have more people than before and, also, Mr Deputy Speaker, Sir, they will be more flexible, they can move from one case to another wherever there is a backlog - because there is backlog.

There is, at present, some 2,300 cases pending before the Assessment Review Committee alone. These are many, many cases. Most of these cases are to do with the registration duties and land transfer tax, but about 500 cases are for the other taxes under the control of the Mauritius Revenue Authority and some of these cases have been pending since 2006. So, we are talking about a system that is working reasonably well but, however, it is taking too much time for the likes of the Government. So, we wish to have this new system which will streamline the whole procedure. There is something very important, I think that my colleague mentioned it, I would like to say again the requirement to submit statements in writing which will do away with a lot of the advocacy and other delays that take place when these Tribunals sit and also the necessity for the Tribunal to sit in a fairly non-formal manner and hear cases in a non-formal manner.

Mr Deputy Speaker, Sir, the importance of this Tribunal cannot be understated, under-stressed. It is going to deal with the income tax, with customs and excise duties, with cases dealing with appeals, dealing with VAT, appeals dealing with taxes and gambling, appeals dealing with registration duties and appeals dealing with land transfer taxes and municipal rates. It is a big responsibility for the Tribunal. As I mentioned, we are going to ensure that it is properly staffed.

As far as the delays are concerned, the Tribunal must endeavour to deal with all cases within 12 months maximum and that it has within the law time limits for each deadline - if you wish - 120 days to fix a hearing for each step and 45 days for determination of the case after that hearing has closed. So, we are doing what we can to ensure that all the cases - except maybe some exceptional cases - are dealt within the one year which is important so that the taxpayer and the licensee or ex-licensee knows exactly, in this case the taxpayer knows where he is.

Mr Deputy Speaker, Sir, if I can deal with just, maybe one or two points raised by the Leader of the Opposition, concerning appointments on this Tribunal, the Chairperson and Vice-Chairperson, of course, appointed by the PSC, but the other Members up to 10 appointed by the Attorney General, after consultation with the Ministry of Finance. Previously, Mr Deputy Speaker, Sir, if I take the case of the Assessment Review Committee, I was myself appointing the members without any consultation, so, it is going to be quicker than going to the PSC, but it has more safeguards than previously. Firstly, it is not the Minister of Finance appointing in appeals committee to deal with financial cases, it is now appointed by

the Attorney General, but again, there is some consultation that is necessary. The point raised by the Leader of the Opposition, Mr Deputy Speaker, Sir, I accept, the desirability of having the decisions readily available on line and I will certainly endeavour to have these done if it is possible.

Thank you very much.

(6.15 p.m.)

**Mr P. Roopun (Third Member for Flacq & Bon Accueil):** Mr Deputy Speaker, Sir, this Bill tends to consolidate two institutions; this is a philosophy I have personally espoused for many years.

It is my humble view that in a country like Mauritius, we have too many institutions, Bodies or authorities. It is high time that, as the hon. Minister stated, we should try to consolidate those various authorities, try to see and ensure that we are cost-effective, not only in terms of cost, but also we have got limited human resources and it is vital that we make the best of what we have. I know how often we have problems to find officers or Chairman to fill certain important institutions. I think that one way of looking at things, is to try to see that we consolidate as many of them as possible, both in terms of cost, but also to be more effective.

Having said so, Mr Deputy Speaker, Sir, I also have some hesitation about the prominent role the Attorney General will have to play. As the hon. Vice-Prime Minister and Minister of Finance also stated, this Tribunal will be considering the biggest part of Government's revenue, starting from income tax up to Customs. I think that we should try to find some mechanisms so that this institution is perceived as being more independent. In fact, when we are appointing through the PSC, it may give the impression that you are appointing civil servants, instead of appointing judicial officers, to deal with issues where there are interests of so many taxpayers at stake. When we consider those particular cases, more importantly than others, because the Government itself is concerned, because here, we are trying to see the best means to bring money into the coffers of Government. There might be that impression that Government is arm-twisting, there is not that level playing field insofar as taxpayers are concerned.

In fact, we know that revenue is the backbone of Government. It is the duty of Government to tax so that it can raise money, not only for its current expenditure, but also to take from the rich and try to distribute to those who are in need. It is a very important exercise. In doing so, we should, so far as possible ensure that each and everyone who has got the means should contribute, because it is unfair to those who are contributing, when others who have the means and should be contributing, are not doing so. It is our role here, as Parliamentarians, to ensure that each and every citizen of this country who has the means does, in fact, contribute so that the country can move forward.

Mr Deputy Speaker, Sir, I heard the hon. Minister mentioning the amount of backlog we have at the ARC. I agree. But, should we, because there are certain *dysfonctionnements* at the level of this institution, give the impression that we are squeezing the taxpayers? The same argument came when we set up the Tax Appeal Tribunal decades ago. At that time, taxpayers had to go to the Supreme Court, it was being claimed that there was so many cases pending; we created a Tax Appeal Tribunal. At some point in time, there were certain restrictions being put on what matters can go to the Supreme Court. It was limited only to questions of law. Subsequently, for some other reasons again, it was being claimed that the Tax Appeal Tribunal is not that effective, we came with the ARC. Again, the same types of comments were being made.

What we have now is that whenever there is any assessment and somebody is dissatisfied, before going to the Assessment Review Committee, there should be a payment of 30% of the amount claimed. All these different hurdles which are being put on the taxpayers give the impression that we are trying to create a situation where they feel that they are being deprived of their right to question any assessment made by officers. Because, just to remind, we know that the basis of all assessment being contested is this very beautiful term that we have in the law that those officers, “to the best of their judgement”, are going to make an assessment. It is something quite subjective. They have got their own means of calculating. This cannot be reviewed. They make an assessment and it is up to the taxpayer to question even if he is not satisfied, at the initial moment the taxpayer wants to contest he will have to make a deposit of 30%. I take it that there are certain exceptions when this amount is not claimed.

But, what is the mechanism to ensure that, initially, the assessment is being made in a fair manner? I must tell the hon. Minister and also the hon. Vice-Prime Minister and Minister of Finance and Economic Development that there is a perception that the initial assessment is being inflated deliberately. Deliberately inflated and expecting that the taxpayer will come and try to settle and at the end of the day what is more disturbing is that it is also claimed that those officers get rewards. I do not know if the hon. Vice-Prime Minister, Minister of Finance and Economic Development can clarify this. There is a perception and it is being said in many quarters that those officers are being given rewards and if the hon. Minister can reassure everybody that there is no reward, it will be good. But there is this perception that this initial exercise of assessment is not being done in a fair manner. I hope that one and all can be reassured about this issue.

Also, if there is a backlog - we have backlogs not only before this tribunal, we have got backlogs in all courts of law - the situation is to deal with the backlogs and not to try to put on mechanisms to see how we can try to avoid these issues. I am not saying that it is through bad faith and that it is this particular Government, this has been the trend for many years now - trying to squeeze here and there and,

at the end of the day the taxpayer gets the impression that he is being extorted. I think we should try to see this proper balance and give them the opportunity to make their case, express what they have to do, do it in a fair manner so that there is fairness and there is this feeling of a level playing field between, on one side, the Government which has to tax and also the taxpayers who are bound to pay so that there is not this feeling that he is being pressurised.

Another issue which I want to raise is - again I am not here to substantiate or to confirm - that there has been, in certain quarters, mention that some professionals are in a better position to deal with certain officers. Depending upon whom you choose as your representative you are treated differently and this issue will have to be looked into. I am not saying that this is so but I am just voicing out what is being stated in certain quarters.

I will end by making a comment on a particular clause of the law which puzzles me a bit. It is clause 5 (8) and I read it, Mr Deputy Speaker, Sir –

“Where it appears to a division, upon consideration of the grounds of appeal and the statement of case of an appellant and the reply of a respondent, that an appeal is frivolous or vexatious, it may dismiss the appeal without oral hearing.”

I have got lots of uneasiness with this particular clause of the law. I know that at the level of the ARC we had initially certain means of informal meetings. This has been taken care of. Now, we have got a preliminary hearing clearly spelt out in this Bill. We have also mediation which is being formalised. These are, I think, good initiatives. But I want to have some clarifications about depriving a party of an oral hearing. If you have got a right of audience, even before the Supreme Court, you should be given a hearing. From my understanding of the law, I have never heard of oral hearings compared to other types of hearings. I think even if there is a frivolous or vexatious case, we should not deprive any party of a right to make submissions. Because here, I do not see any other means, it is as if deciding a case merely on pleadings without giving legal advisers the opportunity to come forward and express themselves. Even before the Supreme Court, if I am not mistaken even before the Privy Council, even if we have got a very weak case, we are given the opportunity to stand up even for minutes to substantiate our case. At least, justice must be seen to be done and we should not just rush out and deprive somebody of his right to an appeal by coming forward and stating that it is frivolous and we are not going to hear that person.

These are the few comments that I wanted to make on this Bill. But, in any event, we welcome the philosophy behind it and I think that we should move forward. With these few remarks, Mr Deputy Speaker, Sir, I thank you.

(6.28 p.m.)

**The Minister of Business, Enterprise and Cooperatives (Mr J. Seetaram):** Mr Deputy Speaker, Sir, at the outset I would congratulate the Attorney General for bringing this Bill to the House. As it has already been stated before this House, this Bill, in essence, is the consolidation into one single enactment, on one side of the Assessment Review Committee under the MRA Act and on the other side, the Valuation Tribunal which is under the Local Government Act. So, both of them have been consolidated into one which is the Revenue and Valuation Appeal Tribunal Bill. That is one very good start as today we are talking about cost efficiency, early judgement, early trial and fast track. I believe that this is a very good sign on the part of Government to bring forward revolutionary amendments for expeditious trials and judgements. That is on one side.

Secondly, something which is equally very commendable is the introduction of a mediation process, that is, where you have parties even before considering the appeal itself, they wish to come to terms among themselves. They say okay they have come to an agreement. They do not want to proceed to the Tribunal, for example or maybe they have reached a settlement, they want to settle it now whereas they need to go somewhere, they need *un encadrement* and a legal person but they do not wish to go through the procedure, through the litigation of an Appellate Body or of a Tribunal. And also, we do not want to go through the stress of a Tribunal. We do not want to have postponements. So we have the mediation process and also it has been rightly put in the Bill that the mediation process and the dispute to be settled within 90 days, which is a very commendable action.

In section 5(3) - that a party may sit in camera to avoid publicity so that interest of justice is not prejudiced, this has been clearly laid down in section 5(3). This is also important that where we do not want to have publicity, you want privacy to be protected. This is also very good. Further, concerning the points I raised earlier; fast track justice, expeditious trial in sections 5(5) and 5(6), this reminds me of the saying in the novel 'The Firm' where John Grisham mentioned that 99% of litigation is waiting. This Government wants to attack this problem and it has started very well. With this Bill, it will go further where it has obviously taken into consideration views of leading academics, leading law reformers that expeditious court proceedings should be a priority. This has been made a priority in this Bill.

Further section 5(9) also talked about the mediation panel, and also, to settle dispute as I have mentioned. But one thing is also very crucial in that section. Section 5(9) mentions the agreement in writing, that's what comes out of the settlement of dispute before a mediation panel, there would be an agreement in writing and this agreement would be deemed to be final and conclusive, thus deemed to be a decision of Tribunal. So, it is not only justice to be done, but justice seen to be done and such an agreement would encourage fast litigation, like I have said justice in fast track.

Again the point raised by hon. Roopun on the other side, stated that the 30%, that is, for the appellant to pay when he goes before the Tribunal concerning the claim, that is, the 30% of the amount has to be paid and he argued concerning this point. Mr Deputy Speaker, Sir, I would beg to differ. If we go through all the recent jurisprudence, mainly the case of Dahari against the Director General of MRA, we see that in this judgement, Chief Justice, M. Bernard Sik Yuen and Justice Domah, indeed, raised the matter in their judgement. They have stated, that is, the imposition of the 30%, must be looked at on a very wide interpretation because Dahari sets out the two points. Concerning the 30% imposed for the appellant to pay, the committee has the discretion to know whether, firstly, they have the means to pay and secondly, what is the basis of assessment. It is not as if it is compulsory for the 30% to be put as if you must pay it, otherwise you cannot appeal, it is not the case.

Being given the surrounding circumstances of the case, like the case of Ah Lee Seng against the Director-General, MRA, which has been taken in the case of Dahari, where the Chief Justice and Justice Domah stated that the basis of the assessment has to be looked at in *toto*. They said that the committee has always interpreted this matter on its discretion. They further went and said if the taxpayer can prove that he really does not have the means to pay 30% of the claim and he can prove that the claim can be exaggerated, the committee can still recommend that his objection be considered even if he does not pay the claim. So, we have here a reasoning, a judgement that says that the 30% is not a bar to the claim. If the appellant can state to the committee freely that I do not have the means; here we go, I submit evidence before you, I will prove that I do not have the means, and secondly, look at me, you can assess, fair enough, so the 30% is not a bar to appeal. The right of the appellant is maintained. That was my point.

On the whole, Mr Deputy Speaker, Sir, this piece of legislation is a very commendable one and I believe that this is inspired by the vision of the hon. Prime Minister. This Bill has got all what it takes for it to be an innovation in our justice system in Mauritius.

I thank you, Mr Deputy Speaker, Sir.

(6.37 p.m.)

**Mr R. Uteem (Second Member for Port Louis South & Port Louis Central):** Mr Deputy Speaker, Sir, in November last year, I asked the hon. Vice-Prime Minister, Minister of Finance, to provide to this House the number of cases that were currently then pending before the Assessment Review Committee (ARC), which is being proposed to be replaced by this Tribunal today. As at mid November 2012, there were 2,462 cases pending before the ARC. So, I asked him again a few weeks ago to provide updated figures as at to date how many cases are pending. Up to now, he has not deposited the written answers before the Parliament, but I understand that the figures are now closer to 4,500 cases.

According to the Mauritius Revenue Act, Mr Deputy Speaker, Sir, the Appeal Review Committee was supposed to endeavour to fix the case for hearing within six months from the date the representations were lodged. Today, cases are being fixed in 2014. I had a case last week which was postponed. The Committee does not have any dates available before November 2013. We are not talking about the Supreme Court here; we are talking about the Appeal Review Committee. Again, according to the Mauritius Revenue Act, the Appeal Review Committee was supposed to endeavour to give its decision on representation, not later than eight weeks from the start of the hearing and according to the answer given by the hon. Vice-Prime Minister, we know that as at mid November 2012, there were 2,322 cases waiting to be fixed for hearing. I am not talking about hearing, but waiting to be fixed for hearing, we got 2,322 cases. 140 cases have already been tried and are awaiting judgment.

I have appeared myself in cases which have been heard months ago, and still awaiting judgment. The Mauritius Revenue Act did provide. I can see that the Committee makes stand the specified period where it is satisfied, and I quote 'on account of exceptional circumstances'. On account of exceptional circumstances, the hearing could not be fixed or the decision could not be given within the specified time period. Unfortunately, Mr Deputy Speaker, Sir, exceptional circumstances have today become the norm. That was delay in lodging hearings and giving judgments. But, Mr Deputy Speaker, Sir, do you know what is the amount we are talking about here? What is the amount of disputed tax, the amount of disputed registration duty that we are discussing, which are currently pending before the ARC? Rs3 billion as at November 2012! Today, this must have reached at least Rs4 billion. The hon. Prime Minister himself, earlier in this House, said that we are going through tough economic times. What could we have done with Rs3 billion? How many projects could we finance with Rs3 billion? How many houses, how many schools can we build with Rs3 billion? How many people's sufferings we can alleviate with Rs3 billion? But, unfortunately, for this Government, competence, filling jobs has never been a priority and, by the way, they have acted in relation to the ARC. It clearly shows that for this Government recovery of taxes is not a priority.

Mr Deputy Speaker, Sir, why such a backlog? We've heard terms about this Tribunal going to increase efficiency, expeditious judgement, confidence building. But let's go to the core of the problem. Why are there so many cases pending before the ARC? Why are we not recovering Rs3 billion of tax already assessed? Why? Mr Deputy Speaker, Sir, for the past three years there has been no Vice-Chairman appointed at the ARC. No Vice-Chairman! So, the Chairperson today has to do everything by himself; he has to deal with administrative issues; he has to carry out informal meetings; he has to hear formal matters, fix cases for hearing, hear the case, write the judgment, and if the judgment is appealed, he has to write the case stated. All of these for one person; no Vice-Chairman, no assistant to help him.

He has been crying out ‘please fill in this vacancy’ for months. And we are talking about billions of rupees at stake!

Hon. Roopun and hon. Minister Seetaram mentioned that, today, before you appeal, you need to put down 30% of the claim. So, we are talking about Rs900 m. of taxpayers’ money which has already been deposited, and their cases have not yet been heard because this Government has not yet find it fit to provide for a Vice-Chairperson, to fill in the vacancy.

We are talking about liens, charges which have been fixed on property of taxpayers pending the outcome of the decision of the Committee. We are talking about goods which are blocked at customs pending the outcome of the appeal. And one would have expected that, with all this money at stake, with all this hardship on taxpayers, it would have been a priority for this Government to have the vacancy filled. You would have expected, Mr Deputy Speaker, Sir, that the best package would be offered to attract the best candidates; that the candidates be offered a place on the establishment, with pensionable rights. *Niet!* Not with this Government! *Le summum de l’incompétence, comme dirait le Leader de l’opposition.* Today, instead of curing the disease, instead of recruiting more personnel, instead of clearing the backlog, this Government is simply scrapping the ARC and replacing it with a new tribunal, with yet other unrealistic targets.

The proposed Bill will alter the goalposts. The Tribunal will now be required to endeavour to complete all proceedings and make its decision within 12 months of the lodging of the appeal. Worse, according to the proposed clause 5(7) (c), the Tribunal must –

“make a determination not later than 45 days after the close of the hearing of the appeal, save in exceptional circumstances and with the consent of all parties;”.

Exceptional circumstances! Mr Deputy Speaker, Sir, I bet this will become the norm because we know, as at November 2012, there were already more than 150 cases pending determination.

It is simply unrealistic, Mr Deputy Speaker, Sir, to expect the Tribunal to make a determination within 45 days after the close of hearing, when the Chairman is required to sit and hear cases every day. Tax is a complex matter, and very few practitioners, I dare say, fully grasp all the subtleties of taxation. The Tribunal needs time to read, digest, weigh the arguments, think, discuss among its members, and only then write a judgment. In the normal course of things, delivering a tax judgment may be quite a daunting task. But, now, given the pressure of having to deliver judgment within 45 days, that pressure can only make it worse.

Mr Deputy Speaker, Sir, the solution is not to get rid of the Assessment Review Committee and replace it by the Tribunal. No! The solution is not to impose unrealistic deadlines and pressure the

Tribunal to deliver judgement. No! The solution can only be to ensure that the Committee and the Tribunal for that matter is properly staffed. Vacancies must be filled. Unfortunately, this Government's track record, when it comes to filling vacancies, is abysmal. We have seen it in the case of the Human Rights Commission. Last week, the hon. Prime Minister answered a PQ, and stated that he still hasn't found the rare bird. We are seeing it in the case of the Equal Opportunities Tribunal, which has still not been properly constituted and cannot hear any other matters that have been referred to it by the Equal Opportunity Commission because it is not properly constituted. Let us hope, Mr Deputy Speaker, Sir, that this Tribunal enjoy better fortune because we are talking about revenue collection here; revenue which no Government can afford to lose. Whilst dodgy tax evaders should not get a free ride, honest taxpayers also should not have a sort of Damocles hanging over their heads while waiting for the Tribunal to determine their appeal.

Mr Deputy Speaker, Sir, the provision relating to the proceedings of the proposed Tribunal, its decision and appeals largely mirrors those of the Environment and Land Use Appeal Tribunal set up under the Environment and Land Use Appeal Tribunal Act, which was voted last year. However, with respect to appeal from this proposed Revenue Tribunal to the Supreme Court, we are back to the old fashion appeal by way of case stated. Unlike the Environment and Land Use Appeal Tribunal which provided, and I quote –

‘An appeal under the section shall be prosecuted in the manner provided by rules in respect of an appeal from the final judgment of a District Court in civil matters.’

Maybe the hon. Minister will enlighten us during his summing up as to the reason for preferring an appeal by way of case stated now, as opposed to an appeal by way it is prosecuted from a final judgment in the District Court.

Mr Deputy Speaker, Sir, I would like to comment on the new offences that are being introduced by this Bill. Again, they seem to mirror the provisions of the Environment and Land Use Appeal Tribunal. Despite Mr Robertson's report and plea for the abolition of criminal contempt of court, I take note that the Government is persisting in its policy of criminally punishing contempt of Tribunals. Section 9 (d) makes it an offence at any sitting of the Tribunal to wilfully insert a member of the Tribunal or wilfully to interrupt the proceedings, but, Mr Deputy Speaker, Sir, the criminal code already provides for offences of insult. Why create new offences? Why provide a tool which can potentially be misused by members of the Tribunal? But, of a greater concern for this side of the House is the new offence created in section 9 (b) (ii), and I quote –

“Any person who –

- (b) refuses to -
  - (ii) answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him in any proceedings before the Tribunal; or (...)

shall commit an offence (...)."

So, any person who refuses to answer fully and satisfactorily to the best of his knowledge and belief will commit an offence.

I must confess, Mr Deputy Speaker, Sir, when I intervened during the debates on the Environment and Land Use Appeal Tribunal Bill, I completely overlooked a similar provision that was being introduced in that legislation. But, what we are doing here, Mr Deputy Speaker, Sir, is very dangerous. A witness in what essentially is a civil matter relating to a dispute over quantum of tax or duty payable may now be subject to criminal prosecution if he does not answer fully and satisfactorily to the best of his knowledge and belief. But, what about the constitutional right of silence of a witness? What about the constitutional right against self-incrimination enshrined in our Constitution? Then, Mr Deputy Speaker, Sir, what amounts to fully and satisfactory to the best of his knowledge and belief? Will a witness be guilty if he says: 'I don't know' or 'I can't remember' or 'It has been too long'? Who will decide if he has answered fully or satisfactorily? Counsels of the other side? The Counsel of the other side, if he is not happy will move that the witness be indicted on the spot. Will the Tribunal do so? Will the witness be bullied and threatened each time Counsel is not happy with his answer?

Mr Deputy Speaker, Sir, it has always been the law and practice of this land that if a witness does not depone satisfactorily and does not live up to the test of cross-examination, his testimony will either be disregarded or afforded little weight. That is the sanction. If he does not answer satisfactorily, he has failed to discharge the burden of proof. But, now, he will be also guilty of an offence. And that is my question, Mr Deputy Speaker, Sir: Is the penalty commensurate with the mischief? And, we are talking, as I mentioned before, of a civil case of recovery of debt owed to the Government. But above all, is this provision going to stand the test of constitutionality before our Supreme Court? I doubt so. We, on this side of the House, strongly object to this clause and making it a criminal offence to penalise someone who does not fully and satisfactorily answer questions.

Mr Deputy Speaker, Sir, with your permission, I would now turn to what I consider to be probably the most controversial provision of this Bill, and it relates to the composition of the Tribunal. Section 3, subsection 7 of the Bill provides that the Tribunal shall sit in a Division consisting of the Chairperson or Vice-Chairperson and two or more members. The Chairperson and Vice-Chairperson will be Barristers appointed by the Public Service Commission. But, why limit it to Barristers? Why not

extend it to Attorneys as well? Attorneys now are required to have the same first law degree as Barristers. They undergo a similar vocational course. They have the right of audience before many forums. Why should not they be allowed also to sit on Tribunals? And since we are dealing with the Tribunal which also hears appeals from the Registrar-General and Valuation, why not allow public Notaries to be appointed? They will, of course, have to give up their practice to join the service, but I am sure that a public Notary is much more conversant with registration duty and land transfer tax than most Barristers of this country.

Mr Deputy Speaker, Sir, at least, with respect to the appointment of Chairperson and Vice-Chairperson, there is some transparency in their recruitment because it will be done through the Public Service Commission. What about the other members? Unlike the Assessment Review Committee under the MRA Act, appointment will now be made by the Attorney General and not the Minister responsible for Finance, although the Attorney General will consult him. Unlike the Environment and Land Use Appeal Tribunal which seems to be the model followed here, the Attorney General can appoint a member on a full-time basis. If we are going to appoint full-time members, why not go through the Public Service Commission? Why leave it to the Attorney General?

Mr Deputy Speaker, Sir, I am aware that in many existing legislations, power has been given to various Ministers to appoint members of various Tribunals and other quasi-judicial bodies, but that was done at a time when Ministers were acting judiciously. That was done at a time where institutions were independent and respected, that was done at a time where honour, integrity, transparency had a meaning. But today, people are increasingly being appointed to position of responsibility based on their political allegiance rather than competence. What say I, political allegiance has become the only criteria. Appointment in highly lucrative position is used not only to reward past services but also as a bait to debauch opponents to the regime. We all heard on the radio what PPS Khamajeet says about the treatment afforded to political agents when it comes to recruitment. Jobs for the boys, Mr Deputy Speaker, Sir, and these political nominees today are clogging the system! They have become mandarins and potentates, fixtures that cannot be displaced however incompetent they may be, however, loss of human life has suffered because of their incompetence. '*Nou dimoune sa! Pas touche nou dimoune!*' Untouchables! And, it is because we are dealing with the most important institution, a Tribunal whose decision will affect not only the life but also the livelihood of taxpayers and also because we are talking about the coffers of the State that, we, on this side of the House, take strong objection to the powers being given to the Attorney General to appoint members of the Tribunal according to his whims and fancies.

It is simply unacceptable to give power to an Attorney General, who, himself may be a political appointee, to appoint other political appointees to hear and determine appeals; appeals which will directly affect revenue collection, appeals which will directly affect taxpayers.

And we know, under section 7 (2), a decision of a Division of the Tribunal shall be that of the majority of members and we know that the Chairperson will sit with two of these political appointees. The dangers of the political appointees overruling a Chairperson or Vice-Chairperson appointed by the PSC is there and is real. Again, Mr Deputy Speaker, Sir, I repeat, why not leave it to the PSC to make the appointment to members of this Tribunal.

Can we rule out the possibility of political interference when we know that these appointees will be appointed by a political appointee and paid an allowance by the Minister of Finance and Economic Development? The fact that the members should not be actively engaged in politics is certainly not a guarantee of independence. Under the proposed section 3 (2) (c) (iv), it is stated that the Tribunal shall consist of people who are not members, or candidates for election to the Assembly, the Rodrigues Regional Assembly or a local authority, or persons otherwise actively engaged in politics.

What do we mean by ‘persons otherwise actively engaged in politics’? Do we have to be a registered member of a political party to be deemed to be actively engaged in politics? Is the person who finances a political party actively engaged in politics? Are relatives of Ministers and PPSs and other Members of this House deemed to be actively engaged in politics? Are the people who gravitate around the hon. Prime Minister or the Attorney General or any politician for that matter actively engaged in politics? Is the person who publicly supports a party and asks members of his association to vote for a party actively engaged in politics? Is the Head of the Mauritius Broadcasting Corporation actively engaged in politics? We, on this side of the House, we think that he is biased; we think that he is acting as a political agent in his treatment of news, but will he agree that he is actively engaged in politics? Will he pass this test? Our famous, Mr S. D. – I am not going to cite his name, he is not worth citing in this House - who was the subject matter of so many PQs; is he actively engaged in politics? He is a member of the Independent Broadcasting Authority. He has not been a member or candidate as yet, I must add, through an election, but does any right-minded Mauritian who does not owe allegiance to the current Prime Minister believe that he is apolitical? Yet, I am sure that given the chance Mr S. D. will certainly be very happy to ascertain that he is not actively engaged in politics and, therefore, qualifies to sit on the Tribunal. How many of these S. Ds do we have out there waiting for a bone to chew from their master? I can use the term ‘master’ because in this very House, Mr Speaker gave a ruling that it is parliamentary to call someone master - *rodère boute*, jobs for the boys.

Mr Deputy Speaker, Sir, the danger is ever more the greater when we know that an appeal from the decision of the Tribunal to the Supreme Court under section 8 only lies on an issue of law, not on an issue of fact. Now, what does that mean in a layman's term? I will give you an example; a political agent buys a property and declares it for, let's say, Rs30 m. The Government Valuer estimates it to be a much higher price, but before the Tribunal, the political agent provides a valuation report. Now, we are faced with two valuation reports: one from the political appointee and one from the Revenue Authority. Is it unreasonable to envisage that the two political appointees sitting on the Tribunal will side with the valuation report presented by the taxpayers who is close to a political party? This is the risk that we are talking, Mr Deputy Speaker, Sir. The risk is there; the risk is real. This is the kind of abuse that may result from the adoption of this Bill in its current form if we allow political appointees to sit and control the majority of a Tribunal.

The Bill, unfortunately, now provides that members of the Tribunal including the political appointees will not incur any civil or criminal liability in respect of any act done or omitted in the exercise in good faith of his duties. The members go scot-free, no liability. They can't be sued unless they can be shown to have acquired *mala fides* which is very difficult to do.

Mr Deputy Speaker, Sir, if we accept that it is possible that those political appointees can allow their judgment to be clouded in favour of a political agent, then surely we must also not discard the possibility of the judgment of these political appointees to be clouded when it comes to assessment of a taxpayer which is from the Opposition party or which do not owe allegiance to their party. Rightly or wrongly an aggrieved taxpayer may feel that he has been penalised because of his political allegiance if the decision of the independent Chairperson in his favour is overruled by the majority which consists of political appointees. This is the danger, Mr Deputy Speaker, Sir. The Chairperson, the Vice-Chairperson who are professionals, who are Barristers, who are law practitioners, they come to one decision. The two political nominees reverse that decision and because it is the majority rules, so they overrule the Chairperson.

Mr Deputy Speaker, Sir, I am prepared to give this Government *le bénéfice du doute*. We know the hard time which the former Attorney General went through; maybe they did not envisage this kind of abuse because I have many times in this august Assembly quoted the expressions viewed by the Director of Audit in one of his reports to the effect that the problem with this Government is that they do not first trigger the thought process before announcing and implementing a measure. So, maybe no one has triggered the thought process in this case; maybe no one has really thought about the risk of biasness. Maybe no one has really thought, like the hon. Minister Seetaram just said before me that justice must be seen to be done, but being given the track record of this Government when it comes to backpedalling,

going back on their decision, may I make a humble appeal to this Government. Please, backpedal some more and leave it to the PSC to appoint members of this important Tribunal and give them security of tenure.

Thank you, Mr Deputy Speaker, Sir.

(7.07 p.m.)

**Mr Faugoo:** Mr Deputy Speaker, Sir, allow me, to start with, to thank all hon. Members from both sides of the House who have intervened on the Revenue and Valuation Appeal Tribunal Bill which is before the House.

The comments, I must say, from my friends from the other sides of the House are generally constructive and positive, except for the last orator, hon. Uteem. He speaks depending on which side of the House he is standing. He chose to do cheap politics, I must say. I was happy to learn and to hear hon. Ganoo who is the Leader of the Opposition and I assume he is the official spokesperson of the Opposition. He said he is in agreement with the Bill, that is, with the provisions of the Bill. This is a very laudable initiative of the Government. I am asking myself after listening to hon. Uteem whether he is in agreement with hon. Ganoo when he says that he is in agreement with the Bill because he has been saying all the contrary. This is the first point.

I must say it, Mr Deputy Speaker, Sir, that Government has no hidden agenda. We have no hidden agenda. It is an initiative of Government to improve and consolidate different institutions doing more or less the same job. It has been there in Government Programme 2012-2015 that we are going to consolidate - not one, not two, not three, not ten - 12 independent quasi-judicial institutions into three distinct separate quasi-judicial institutions. We have come last year with the Environment and Land Use Appeal Tribunal which is doing a marvellous work. It is there. It is fully functional. It is delivering as I said in my main speech, Mr Deputy Speaker, Sir. They have given so many rulings already. As I said, last year, we have set up the Environment and Land Use Appeal Tribunal; today again we are merging and consolidating two distinct and different institutions which are doing the same job. I said earlier, I announced to the House that in the very near future, we will be coming in this House to introduce another piece of legislation to set up the Regulatory Authorities Appeal Tribunal.

When we look at it from a bigger angle, there is only one thing that we have to understand, Mr Deputy Speaker, Sir. We are only making access to justice for the people and litigants of this country more accessible, more practical and making it easy for them to go before the Tribunal, be it in the first instance or as an appellate jurisdiction. This is exactly what we are minded to do, Mr Deputy Speaker, Sir.

Having said that, let me now comment very briefly on the few points that have been raised by hon. Members on the other side of the House.

The first point which was raised by hon. Ganoo, the Leader of the Opposition, he said that unless the institution is fully equipped with the resources required. This is a very valid point I must say because we can bring all the changes, we can bring whatever we want in this House, get it voted, but then, if you don't give the resources which are required, definitely, it is going to fail. This is why in this particular Bill, Mr Deputy Speaker, Sir, provisions have been made to appoint a Chairperson by the PSC. Again, it says appoint –

“One or more Vice-chairpersons (...)"

It does not stop to two, it says 10 members. Again, under Clause 3(8)(b) –

“The Secretary to Cabinet and Head of the Civil Service may, at the request of the Chairperson, designate such public officers may be necessary (...).”

Power has been given to the Secretary to Cabinet, the Head of Civil Service to designate necessary officers as it deems fit upon the request of the Chairperson of the Tribunal. Provision has been made to provide sufficient staff and members to run the Tribunal, Mr Deputy Speaker, Sir.

Again, under another clause, the Master and Registrar of the Supreme Court can designate the number of ushers which will be required to run the business of the Tribunal, Mr Deputy Speaker, Sir.

Another point which was raised under clause 3 (4) -

“Before making an appointment under subsection (2) (c), the Attorney General shall (...)"

When we say Attorney General, Mr Deputy Speaker, Sir, it is not the person we are talking about. The post of Attorney General is a constitutional post.

Now, hon. Uteem said so many things, political nominees, political friends, blue-eyed boys and what not. But back in 2004, - I think he was not in Parliament, his party was - when they passed the Planning and Development Act, it was the same provision. Power was given to the Attorney General to appoint members. So, where does he stand? Is it correct when the MMM is in power to give the power to the Attorney General to appoint members of the Tribunal and when the Labour Party, with its allies is in Government, this is being biased? They were in power, they did it. We are only repeating in a way, because it becomes a precedent. It is there in the statute book. It is there, it is being used. Again, when we came last year for the Environment and Land Use Bill, Mr Deputy Speaker, Sir, we put the same provisions. And so far nobody has questioned, it is working well, as I said earlier, Mr Deputy Speaker, Sir.

Again, on this score, we have added further provisions in this particular Bill. The Attorney General, not on his own, but he has to appoint in consultation with the Minister of Finance. Again, he has the ability to consult such other persons under clause 5 of the Bill. So, in consultation with the Minister of Finance, further powers have been given to him, he can consult such other persons as he may deem fit, Mr Deputy Speaker, Sir.

Now, again in the particular Bill, it has been well defined. Hon. Uteem was saying that political agents will be appointed, but, it is provided black on white in this particular Bill that he has to appoint professionals in the field. There was one point which was taken by hon. Roopun as to why should the PSC appoint the Chairperson. It is because of a very simple reason that it is a quasi duty; it is not a judicial institution. It cannot be the Judicial and Legal Service Commission. It can be either the PSC or again a Minister or the Attorney General. So, what is the harm? In a way, we are giving the guarantee that there was independence in the recruitment and the selection of the Chairperson and the Vice-Chairperson. This is there black on white, Mr Deputy Speaker, Sir.

Now, there was another point which was taken up by the Leader of the Opposition, clause 3(8) concerning Clerk of the Tribunal who is going to be the Head of the administration, the Administrative Officer of the Tribunal. Record will be kept by him. Of course, there will be a registry just like in any Tribunal or in any Ministry for that matter, records will be kept. The point which he has raised maybe is a point which can be mooted. Concerning record online, is it the practice today in any Court of law of the land or any Tribunal for that matter by extension? Today, if somebody is a party to the case, he can walk in the Tribunal, he can apply and he will get a copy of the Court records. We cannot open it to the public, because it is a civil matter, it is a matter which concerns two civil parties. A judgment, an award can be made public. But then again as I said, this is not the current practice; parties can apply and get copies of the Court records. This is open, as it exists today, to all parties. But then, maybe it is a point which has to be retained and further debated. It must be reflected upon. We can always think about it and if this is required to be so in the future, we will come up with necessary legislations.

The last point which hon. Ganoo, the Leader of the Opposition, raised, is on the question of under resources and again he said, the same persons are going to be used for mediation. As I said, it is a Tribunal where there is the Chairperson. We also have one or more Vice Chairpersons, 10 members. There will be different divisions to ensure efficiency, and over and above there is a provision somewhere in the Bill which allows taking experts on *ad hoc* basis. If there is a case under review, if there is a case on appeal which has been lodged and which requires experts to deal with the matter, this has been taken care of.

Having answered the points raised by hon. Ganoo, let me briefly answer to some of the issues which were raised by hon. Roopun. I have already answered on the recruitment by PSC. Again, there was one interesting point which he raised. Clause 5(8) reads –

“Where it appears to a division, upon consideration of the grounds of appeal and the statement of case of an appellant and the reply of a respondent, that an appeal is frivolous or vexatious, it may dismiss the appeal without oral hearing.”

After much reflection, this has been put in the Bill, Mr Deputy Speaker, Sir, I must say. This is meant for exceptional cases, this is not the general rule. This is meant for exceptional cases where *ex facie* the document, the grounds of appeal which have been lodged, are frivolous. If this is not going to be so, then how are we going to solve the problem of clogging? How are we going to solve the problem of case management and a case being dragged for several years, Mr Deputy Speaker, Sir? This is there. Again, this is open to appeal by means of Judicial Review, by the appellant; it is not an end in itself. If the appeal is rejected on frivolous ground, the appellant can always, by leave of the Court, go to the Supreme Court for Judicial Review.

He also spoke about appointment by the Attorney General. I avoid to answer to this one. He said there is a perception that initial assessment is being inflated. He is right, there is a perception. There is only a perception because the Tribunal functions under the ambit of the law. If an assessment, Mr Deputy Speaker, Sir, is made on an erroneous basis, the Tribunal should in principle. If it was the contrary, it would have been sending the wrong signal. What is the use of having an Appellate Body, what is the use of having an Appellate Tribunal, if they are not given the power to reassess?

There is a judgment by the Supreme Court back in 2009. The case which was mentioned by my friend - Dahari 2009 SCJ 206 - which gives power to the Tribunal and Supreme Court also to intervene. So, it is not an end in itself. Again, there is a process whereby one can appeal.

Again, hon. Roopun raised the question of 30% deposit, the case of Dahari against the Director General, MRA, 2009, same case which is cited just now, Mr Deputy Speaker, Sir, where it was said that it is not unconstitutional. He said also that the basis of assessment is sound; meaning that the Tribunal or the Supreme Court will uphold that payment where basis of assessment is sound and the persons, that is, taxpayers have a means to pay. This is also legal; there is no problem as to that.

So, having said that, I am left with only one last point maybe which I wanted to comment on or maybe answer to hon. Uteem about the offence being created under clause 9(b) which stipulates –

“Any person who refuses to –

(ii) answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him in any proceedings before the Tribunal; (...)

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to penal servitude for a term not exceeding 12 months.”

So, Mr Deputy Speaker, Sir, this Bill is creating an offence. It is not an offence *per se*, it is not a sort of strict liability offence. It is an offence which is being created here, which will be subject to enquiry, because it is a criminal offence. It is not that we are giving the power to the Chairperson or the Vice-Chairperson or whoever is chairing the Tribunal to, on his subjective opinion, condemn, to convict or to fine a person. It is only creating an offence. All the procedures of criminal law, all the procedures, which are there in our Statute Books, will apply.

Having said that, Mr Deputy Speaker, Sir, it is only - I will use the words of the hon. Leader of the Opposition - that it is a laudable initiative by this Government, because this is the second Tribunal which we are creating. As I said, the third one is in the pipeline; 12 institutions are being put together into three different distinct institutions. So, this can only be a positive action, Mr Deputy Speaker, Sir.

May I end by thanking the hon. Vice-Prime Minister who has helped a lot in the preparation of the Bill. Also my friend, Yatin Varma, who has worked a lot on this Bill and also I must thank the officers from the State Law Office who have worked on this Bill.

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

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(The Deputy Speaker in the Chair)*

*The Revenue and Valuation Appeal Tribunal Bill (No. XI of 2013) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the Revenue and Valuation Appeal Tribunal Bill (No. XI of 2013) was read the third time and passed.*

## **ADJOURNMENT**

**The Prime Minister:** I beg to move that this Assembly do now adjourn to Tuesday 25 June 2013, at 11.30 a.m.

**The Deputy Prime Minister rose and seconded.**

**The Deputy Speaker:** The House stands adjourned.

(7.30 p.m.)

## **MATTER RAISED**

### **REPUBLIC OF MAURITIUS - SECULARISM**

**Mr S. Obeegadoo (Third Member for Curepipe & Midlands):** Mr Deputy Speaker, Sir, today has been an eventful day, and I am grateful to the hon. Prime Minister for his presence as I rise at Adjournment to raise what I consider to be an important issue. It carries with it a host of questions that are rarely canvassed because they are very sensitive, and it is considered politically unwise to raise those matters. But, I think I am duty bound, and my objective is to rekindle the debate on secularism within our society, and I want to stress at the very outset, since I have many things to say and I will try and say them within fifteen minutes, that my stance on this matter is non-partisan. By coincidence, as the Order Paper was circulated, there was also the Private Motion from hon. Ms Deepalsing being circulated at the same time, which shows that there is a strong body of opinion on both sides of the House that we should place against this issue of secularism at the heart of the political debate in our country.

Mr Deputy Speaker, Sir, let me refer to the present situation. I believe we are in a situation of *un amalgame malsain et très dangereux*. On the one hand, what do we find? On the one hand, referring to what takes place outside the House, there are some sectarian groups with a religious garb that, come an election, canvass in favour of one party or the other, and that immediately run to the defence of the one party to which they are linked. On the one hand, there are sociocultural organisations out there that are servile to the Government of the day, whatever the Government may be, and who will play party politics and invite politicians to be the main guests at their functions. On the one hand, there are individuals and organisations that will approach parliamentarians individually for financial help when it comes to religious festivals and religious activities. There are organisations that will pressurise and lobby the State for infrastructural development and other forms of assistance when come religious activities. On the one hand, that is the situation with non-political forces.

On the other hand, there are parliamentarians, politicians who will use the platforms of sociocultural organisations to try and intermingle a religious discourse with party political messages. On the other hand, there are politicians who will attempt to transform themselves into priests of religion on the occasion arising, to score political points with the logic of the bank vote, if I may say so. On the other hand, many of us here feel obliged to respond to the pressure which is made to bear upon us by offering t-shirts, funding and free buses. We, all parliamentarians, know what kind of pressure we are...

*(Interruptions)*

I know what I am saying does not please hon. Bachoo but, at least, if he is in the House, maybe he can listen.

*(Interruptions)*

On the other hand, Mr Deputy Speaker, Sir, many politicians feel obliged, and eventually it becomes normal practice to indulge in these practices.

*(Interruptions)*

My point, Mr Deputy Speaker, Sir, is that this is not a laughing matter!

*(Interruptions)*

My point is that...

*(Interruptions)*

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

**Mr Obeegadoo:** ...is that those practices are outdated, they are counterproductive, and they are dangerous for our society! We all know, Mr Deputy Speaker, Sir, that our society is a plural society that is crisscrossed with fault lines that refer to class, caste and race. It is all complicated by a diversity of religions, with different schools of thoughts within religions, making our society all the more complex and fragile. We have an explosive cocktail here. 1968-69 may seem far off, but 1999...

*(Interruptions)*

**The Deputy Speaker:** Hon. Minister of Local Government, kindly refrain from interrupting the hon. Member!

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, some have argued that it is impossible to separate politics from religion! I disagree, Mr Deputy Speaker, Sir. I think we need to learn the lessons of history. True it is, from antiquity up to the Middle Ages, in all societies, politics and religion were one. But, as from the days of the reformation, of the enlightenment in Europe, as from the colonial period in the

Americas, Asia and Africa, things started to change. The decolonisation struggle was marked by the need to unify the people subjected to colonialism on secular lines. All the great movements of population in our present time, for different reasons, have ensured that most human societies today are heterogeneous and indeed increasingly plural, Mr Deputy Speaker, Sir.

*Le progrès historique, la modernisation sociale, la démocratisation politique, le pluralisme culturel partout et en tout temps a été accompagné de ce progrès vers la sécularisation, la laïcité.* Even today, Mr Deputy Speaker, Sir, it is interesting to note that the attitude towards secularism has been the distinguishing factor between progressive forces and conservative forces. That was the key battle yesterday in Europe and Latin America. Today, in this day and age, what is the defining feature separating progressive forces from conservatives in North America and the United States, in North Africa and in Western Central Asia? That is the defining feature: our attitude towards secularism. I want to quote the example of India because often Mauritius returns to Mother India when we need to learn the lessons of history.

In India, need I recall that during the Independence struggle, Nehru, Gandhi, Subhas Chandra Bose all insisted that religion should not interfere in politics and that in India divided by so many religions, secularism was the great cementing force of the diverse people of India. At Independence, India inscribed secularism in its Constitution, not expressly, but in the principles that our Constitution share. In 1976, it was expressly inserted that India is a secular democratic Republic.

But, even today, the present Government, the Congress Party, and progressive forces at State level and to the left of Congress see it as their sacred mission to define the secular principles of the founding fathers of the Indian Republic.

For those who say that you cannot separate politics from religion, I would like to quote no less than Mahatma Gandhi who had this to say –

“If I were a dictator, religion and state would be separate. I swear by my religion. I will die for it. But it is my personal affair. The State has nothing to do with it. The State would look after your secular welfare, health, communications, foreign relations, currency and so on, but not your or my religion. That is everybody's personal concern!”

That was Mahatma Gandhi to be heard by those who say that we cannot and should not separate politics from religion.

Mr Deputy Speaker, Sir, our commitment to secularism and the advocacy of a clear separation between politics and religion in Mauritius today is not derived from abstract principles and ideals, but from our awareness of the complexity and of the fragility of our society today and of the imperative of

unity. The secularism we are advocating rests on a clear separation, as I said, between State and religion, between politics and religion, and on the impartiality and neutrality of the State and also of political parties vis-à-vis religion.

It is not being against religions and to quote Mr Nehru –

“That does not mean absence of religion, but putting religion on a different plane from that of normal political and social life.”

What we are saying is that religion cannot be the foundation for political legitimacy. It is a social reality. It is a matter for personal choice for one individual’s conscience.

Mr Deputy Speaker, Sir, what is my appeal today? My appeal is the way forward. What can be the way forward if we want to make progress? Firstly, there is the proposal of hon. Ms Deepalsing that we could move towards inscribing the term ‘secular’ in our Constitution. It would change nothing in reality. The hon. Prime Minister was right in answering to a Parliamentary Question, but it would again place this debate at the heart of debate within public opinion.

Secondly, we could try and change our practices. What we do as politicians, from all sides of the House, it is very important to note that within this House, practically all parties are secular parties that claim and wish to represent all religious communities...

*(Interruptions)*

Well, possibly with one exception, the gentleman is not here. And interestingly, that’s been the case almost all the times since independence. That is a rare chance we have that we do here have a party of X religion, a party of Y religion and a party of Z religion. What we need to do today, Mr Deputy Speaker, Sir, is to change our way of doing politics. Earlier today, hon. Bhagwan raised the issue, yet again, of a code of practice.

Could that be a way forward? But, whatever it is, we need to have cross-party agreement on specific measures to move forward and that is why I am again suggesting that this could be the subject for a Select Committee to work and come up with specific proposals.

I will end with an appeal to the hon. Prime Minister. Present practices, Mr Deputy Speaker, Sir, are not in line with our dreams of a democratic, modern society and a unified nation. If we are committed to a united nation, we need to move forward. So, I would like to appeal to everybody in this House, but more particularly to the hon. Prime Minister and to the Government of the day to realise that this is a rare opportunity that we have. You know it is a privilege that we have as Parliamentarians that there are times when we can lead our country to a great step forward. There are times when history stares us in the face

and we are challenged to assume our responsibilities. And although this issue, given the events of the day, given daily preoccupations may seem abstract, the danger is really there.

I would like to ask the hon. Prime Minister and the Government to act right now and to rise to the challenge, because - and I would quote from Martin Luther King - of the fierce urgency of now in this matter of separating religion from politics in how we think, in how we act and in what we do in our political practice in everyday life.

Thank you, Mr Deputy Speaker, Sir.

(7.44 p.m.)

**The Prime Minister:** Mr Deputy Speaker, Sir, I understand the point that the hon. Member is making. I also feel that religion is a personal matter. It is not a matter for the State. I also feel the same.

In fact, I will take hon. Dr. Bunwaree as witness. When I just joined politics, I did not make one speech in any – and I refused to sit on the stage. Even when I became Prime Minister, the then Cardinal Margeot for the mass that they had in Port Louis, wanted to know how many bodyguards that I would have inside. I said, ‘Why inside? I do not have to sit with the priest’. They said that it is the tradition. I said that I do not want to follow that tradition. Then, he told me that the President - hon. Uteem’s father - was sitting inside. I said, well, I do not want to sit inside. I understand them; it might look as if just when I became Prime Minister that they are not inviting me to sit inside. So, I went for the first time, but not afterwards. Afterwards, it was changed and now we do not sit inside. He even asked me how many bodyguards I will have inside. I said none, but they said that the President has two or three bodyguards. I said to the priest who was talking to me, what luck if somebody assassinated me in a Church. That is the best thing that could happen. But it did not happen anyway!

The debate about religion and politics is an age-old one. The issue of keeping politics and religion separate raises many issues. As the hon. Member has rightly said, it is a complex and delicate issue. We have a fragile society. It triggers other issues such as, for example, the fundamental rights; freedoms of the individual, particularly freedom of conscience, freedom of expression. The question of religious subsidies also comes into that.

Let me refer the hon. Member to the plea that I made to hon. Ms Nita Deerpalsing on 26 June 2012 to a question she asked. She asked whether Government would consider inserting the word ‘secular’ in our Constitution. I explained that there are several Supreme Courts’ judgments which have stated that Mauritius is a secular State. The judgment in the case of *Minerve v Minerve* in 1987 where former Justice Lallah pointed out and I quote –

“We live in a secular State in which freedom of conscience is the fundamental right for every individual. That freedom avails both the Believer and the Non-believer or the Free thinker.”

I also, in my answer to hon. Ms Deepalsing, emphasised the fact that freedom of expression and freedom of thought are guaranteed by our Constitution. Therefore, we must look very carefully because any attempt to prohibit anyone, including politicians, from making speeches at religious functions and ceremonies could constitute a breach of their freedom of speech under section 12 of the Constitution. I said ‘could’, but we have to look at it very carefully. In fact, there was the case and it may well be in breach of the International Human Rights Instruments to which Mauritius is a party. There is also the case of *Bhewa and Alladeen v Government of Mauritius and DPP (1990)*, where the then Chief Justice Glover and Senior Puisne Judge Lallah analysed the duality of religion and the State in a secular system.

Hon. Obeegadoo, himself, has asked a PQ in the past, I think it was in December 2011 in which he asked whether Government would introduce legislation to prohibit political personalities from making speeches at religious functions and ceremonies. The problem, as the hon. Member said himself, is complex.

If a politician is barred from making such speeches, I have no doubt in my mind that others, close to the politicians will step in his or her shoes and with the same results. So, where do you draw the line? Even, I must say, the religious leader himself or herself, can speak in a very veiled way and introduce politics in his speech. There are all sorts of ways of having political overtones in a speech about religion. As the hon. Member rightly says, it is a complex issue. The hon. Member quoted Mahatma Gandhi. I am glad, because I am also saying the same thing. But, let me quote Mahatma Gandhi who also said –

“Those who say that religion has nothing to do with politics do not know what religion is.”

He does not contradict what the hon. Member has said, but it is a different spin on what he said.

Let me quote also, Mr Deputy Speaker, Sir, from an article by Mr Barack Obama then - not the President Barack Obama - in 2006 when he was, I think the Senator for the State of Illinois. He wrote an article entitled ‘Politicians need not abandon religion.’, and this is what he said –

“(...) Americans are deeply religious people. 90% of us believe in God, 70% affiliate ourselves with an organised religion, and 38% call ourselves committed Christians.

This is why, if political leaders truly hope to communicate our hopes and values to Americans in a way that’s relevant to their own, we cannot abandon the field of religious discourse.”

He went on to say –

“It is wrong to ask believers to leave their religion at the door before entering the public square”.

“Abraham Lincoln and Martin Luther King”, from whom the hon. Member quoted, he said –

“Abraham Lincoln and Martin Luther King and the majority of the great reformers in American history were not only motivated by faith, they also used religious language to argue for their cause. To say men and women should not inject their "personal morality" into policy debates is a practical absurdity. Our law is by definition a codification of morality.

There are overlapping values that both religious and secular people share when it comes to the direction of our country.”

But he does say also that –

“The separation of the State and religion is critical to our form of government because democracy demands that the religiously motivated translate their concerns into universal, rather than religious values”.

Even in some States - hon. Obeegadoo mentioned it; perhaps when we'll have a debate, we can go further into it – the hon. Member said they are secular, but they are also not completely secular in practice. Even in India, they have, for example ...

*(Interruptions)*

India, yes, subsidies. Even in India – I had it somewhere, I am trying to find where it is! There was the case of Bhewa and Alladeen which I just mentioned, where they say –

“India was quoted to us as an example of democracy where personal laws of several religions coexisted with a secular constitution which guaranteed fundamental freedoms.”

India, however, had a heavy heritage. I don't see where it is, but I know they say somewhere that they were subsidising, for example, Muslims who wanted to go to Hajj. This is being relooked at. The subsidy will continue, but perhaps differently; the rich people won't get the subsidy or something like this.

Even in the United Kingdom, the Queen has to take an oath to defend the Anglican faith. So, there are degrees. I could go on and on, but it is a complex area, as I said, and perhaps it would be a good thing to have a debate because when the hon. Member was speaking, I don't know whether he was speaking for himself or for his party, but perhaps there are different views also in the party.

When the debate on abortion came, Members would remember how pressure was exerted on some people; some people on this side and also on the other side. They were heavily criticised. This again is an encroachment of religion into politics. Perhaps, I agree with the hon. Member that we should have a full debate. Hon. Ms Deepalsingh has given notice for a Private Members' Motion on this very subject.

Perhaps we should take this opportunity to let hon. Members air their views and express their views, and see what they have to say, but taking into consideration the other side of the coin as well. But I will look forward to the debate.

Thank you.

*At 8.06 p.m., the Assembly was, on its rising, adjourned to Tuesday 25 June 2013 at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### MEDICAL NEGLIGENCE – PERIOD 2005-18 JUNE 2013

**(No. B/498) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to reported cases of medical negligence, he will, for the benefit of the House, obtain, for each year, since 2005 to date, from the Commissioner of Police, information as to the number thereof, indicating -

- (a) if any inquiry has been carried out thereinto and the outcome thereof;
- (b) the number of cases thereof -
  - (i) prosecuted, and
  - (ii) in which conviction has been secured.

*(Reply not available)*

### SUGAR PLANTERS, FIRINGA - POINTE AUX SABLES - YOUNG CHILDREN - SEXUAL ABUSE - SATURDAY 07 JUNE 2013

**(No. B/499) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the alleged sexual abuse committed on two young children on Saturday 07 June 2013 at Sugar Planters, Firinga, at Pointe aux Sables, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried thereinto and, if so, the outcome thereof.

*(Reply not available)*

### CONFLICT AWARENESS PROGRAMME – DIRECTOR, MRS K. L. A. - SERVICE OF PROCESS

**(No. B/515) Mr C. Fakemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether he will state if service of process in relation to a claim for damages in a case arising in Mauritius was effected on one

Mrs K. L. A., Director of Conflict Awareness Programme on the premises of the High Commission of Mauritius in London and, if so, whether any inquiry has been carried out.

**Reply:** No service of process has been served in relation to a claim for damages to one Mrs K. L. A., Director of Conflict Awareness Programme on the premises of the Mauritius High Commission in London.

#### **KNOWLEDGE BASED TRAINING CENTRE - MASSAGE INSTRUCTOR - ALLEGED MALPRACTICES**

**(No. B/516) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Education and Human Resources whether, in regard to the alleged cases of malpractices by a massage instructor at the Knowledge Based Training Centre at Port Louis, he will, for the benefit of the House, obtain from the Mauritius Institute of Training and Development, information as to if an internal inquiry has been carried out thereinto and, if so, the

- (a) outcome thereof, and
- (b) actions taken.

*(Withdrawn)*

#### **HARBOUR BRIDGE PROJECT**

**(No. B/517) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Harbour Bridge Project, he will state where matters stand.

**Reply:** The Harbour Bridge project is one of the components of the PPP Road Decongestion Programme which is in the final stages of procurement and the contract will be awarded after obtaining the approval of the relevant authorities.

#### **COOPERATIVE SOCIETIES - CLOSED DOWN**

**(No. B/518) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Minister of Business, Enterprise and Cooperatives whether, in regard to cooperative societies, he will state the number thereof which has since 2012 to date closed down, indicating the –

- (a) reasons therefor, and
- (b) measures taken, if any.

**Reply:** During the period 2012 to date, seven Cooperative Societies have ceased business mainly due to shifting of interest of members to other fields, mismanagement and lack of natural resources enabling the societies to carry out their core activities.

Since I have assumed office, I have, in accordance with Cooperative principles advocated for such societies to be given the opportunity and necessary technical support to reorganise, diversify to other sectors, widen the shareholders base, amalgamate or merge horizontally, vertically and on regional basis, seek strategic partnership, bring in new blood, new management and new Directors, new access to market, increase efficiency and decrease liabilities. The policy is to aim at quality and efficiency in the delivery of services and production by Cooperative Societies.

In fact, I would like to thank the hon. Member to have put this question as this has provided me with an opportunity to inform the House that, since I took office, 131 new Cooperative Societies have been registered; employment in the cooperative sector has increased by over 3000 persons and turnover has also increased by about Rs0.3 billion.

#### **SMALL AND MEDIUM ENTERPRISES - ECONOMIC CRISIS**

**(No. B/519) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Business, Enterprise and Cooperatives whether, in regard to the Small and Medium Enterprises, he will state the number thereof which are having difficulties by reason of the economic crisis, indicating the nature thereof.

*(Withdrawn)*

#### **MITD - TRADE UNIONS & NGOs - PROTESTS**

**(No. B/520) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the Mauritius Institute of Training and Development, he will state if he has taken cognizance of the protests of the Trade Unions and of the Non-Governmental Organisations, further to the –

- (a) termination of the contract of Mrs S. S., as teacher thereat;
- (b) suspension of Mrs P. B., as psychologist thereat, and
- (c) issue of a severe warning to Mr H. M., a trade unionist and, if so, indicate if his Ministry has inquired thereinto.

*(Withdrawn)*

#### **MITD - STUDENTS - ALLEGED SEXUAL ABUSE**

**(No. B/521) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Minister of Education and Human Resources whether, in regard to the alleged case of sexual abuse at the Mauritius Institute of Training and Development, he will, for the benefit of the House, obtain from the Institute, information as to if mention was also made of alleged sexual abuse of students, other than minor V. A., in the report submitted by the psychologist P. B., in October 2011 and, if so, indicate the actions taken, if any, in relation thereto.

*(Withdrawn)*

#### **MITD - FACT FINDING COMMITTEE - FEES PAID**

**(No. B/522) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Education and Human Resources whether, in regard to the Fact-Finding Committee set up to look into the recent case of alleged improper behaviour of an instructor of the Mauritius Institute of Training and Development, he will, for the benefit of the House, obtain from the Institute, information as to the total cost thereof, indicating the fees paid to each member thereof.

*(Withdrawn)*

#### **FOYER NAMASTÉ - OMBUDSPERSON FOR CHILDREN - RECOMMENDATIONS**

**(No. B/523) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the *Foyer Namasté*, she will state if she is aware of the recommendations of the Ombudsperson for Children in relation to the children attending thereto and, if so, indicate the actions taken, if any, by her Ministry in relation thereto.

*(Withdrawn)*

#### **NATIONAL HERITAGE TRUST FUND - DIRECTOR - TRAINING PROGRAM**

**(No. B/524) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Arts and Culture whether, in regard to the Director of the National Heritage Trust Fund, he will, for the benefit of the House, obtain therefrom, information as to if she has –

- (a) allegedly received money for a course in Delhi which she did not attend, and
- (b) been overpaid in connection with her stay in the United Kingdom for attending a training program and, if so, indicate the –
  - (i) disciplinary measures taken against her in connection therewith, if any, and
  - (ii) if money has been refunded and, if so, when and, if not, why not.

*(Withdrawn)*

## UNIVERSITY OF MAURITIUS - VOCATIONAL COURSES

**(No. B/525) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the vocational courses for prospective law practitioners, he will, for the benefit of the House, obtain from the University of Mauritius, information as to if students have made complaints in regard to the holding thereof and, if so, indicate the –

- (a) nature thereof, and
- (b) remedial measures taken, if any.

*(Withdrawn)*

## DENTAL SPECIALISTS - CRITERIA

**(No. B/526) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Health and Quality of Life whether, in regard to dentistry, he will, for the benefit of the House, obtain from the Dental Council, information as to the criteria considered for dental surgeons to be registered as dental specialists, indicating how same are implemented in respect of the practitioners of the private and of the public sector respectively.

*(Withdrawn)*

## EPZ LABOUR WELFARE FUND - GENERAL MANAGER – CONTRACT

**(No. B/527) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to Mr J. D. A., General Manager of the EPZ Labour Welfare Fund, he will, for the benefit of the House, obtain therefrom, information as to –

- (a) the terms and conditions of his contract of employment;
- (b) his qualifications, and
- (c) if an inquiry has been carried out regarding his alleged –
  - (i) mismanagement, and
  - (ii) cases of harassment and use of abusive and vulgar language towards members of the staff and, if so, the outcome thereof.

**Reply:** I am informed that Mr. J. D. A. is employed as General Manager at the EPZ Labour Welfare Fund on a contract basis for a period of two years with effect from 01 August 2011. The contract

of employment will expire on 31 July 2013. The terms and conditions of his contract of employment, and his qualifications are being tabled.

With regard to part (c) of the question, I am informed that on 03 August 2012, the EPZLWF Board was apprised of certain alleged shortcomings in the performance of the General Manager. The latter was requested by the Board to submit his explanations thereon and the Board took note that the General Manager stated that these complaints against him were due to the changes and restructuring of the Fund that he has brought thereto.

I am further informed that Mr. A. S., President of the *Federation des Travailleurs Unis* made, in a letter of 18 June 2012 addressed to the Secretary to Cabinet, on behalf of employees of the Fund, representations of harassment, abusive language and victimization against the General Manager. An enquiry was carried out on 13 July 2012 at the Fund where the workers verbally complained the abusive language and favouritism of the General Manager.

During the enquiry, on 03 September 2012, when confronted, the General Manager denied the alleged complaints of harassment from the staff, stating that since he joined the Fund, he has introduced measures to cut cost and this was resented by the employees.

I am also informed that on 24 September 2012, following a complaint from a senior staff of the Fund, registered at Curepipe Labour Office against the General Manager, an enquiry was carried out by the Labour Officers on 30 October 2012. The General Manager denied the complaint made against him. Moreover, during an enquiry carried out at the Fund, on the same day, four employees verbally stated that the attitude of the General Manager had improved. They further stated that they do not have any more grievances against the General Manager.

On 05 October 2012 and 20 November 2012, two other senior staff made complaints of harassment against the General Manager. On 08 January 2013 an inquiry was carried out and it revealed that the allegations were unfounded.

#### **CANAL DAYOT -FLASH FLOODS - RELOCATION**

**(No. B/528) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Housing and Lands whether, in regard to the inhabitants of Canal Dayot whose houses have been infrastructurally damaged following the flash floods of 30 March 2013, he will state if consideration will be given for their relocation and, if so, when and where and, if not, why not.

**Reply:** Further to the flash floods of 30 March 2013 and following declarations to the police by inhabitants of Canal Dayot to the fact that they have sustained substantial material losses, Government

provided financial support to those inhabitants. Furthermore, public institutions, companies contributing in the Corporate Social Responsibility (CSR) Fund, NGO's, other private companies and the public at large came forward spontaneously to support Government in extending help to those affected by this natural calamity.

The House will surely recall that rehabilitation works including the urgent cleaning and dredging of Canal Dayot started the very next day to safeguard the inhabitants from any further such danger. On 13 June 2013, officers of my Ministry effected a site visit and it was observed that the rehabilitation works being carried out by the relevant authorities are ongoing.

From information gathered on site, the inhabitants have also reinstated their housing units, all of which are found on private land. There has not been any report of any infrastructural damage nor has there been any request for relocation.

#### **TOUR OPERATORS - LICENCES**

**(No. B/529) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Tourism and Leisure whether, in regard to the tour operating sector, he will, for the benefit of the House, obtain from the Tourism Authority, information as to the number of –

- (a) licensed operators,
- (b) workers, grade-wise who have been laid off, over the past 3 years.

**Reply:** I am informed by the Tourism Authority that, as at date, licences have been issued to 218 tour operators under Section 26 of the Tourism Authority Act 2006.

As regards part (b), the question does not arise as issues pertaining to the recruitment and laying off of workers in the tourism sector do not fall within the mandate of the Tourism Authority.

#### **EDITION DE L'OCÉAN INDIEN – BOARD DIRECTORS**

**(No. B/530) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Education and Human Resources whether, in regard to the *Edition de L'Océan Indien*, he will, for the benefit of the House, obtain from the Board thereof, information as to –

- (a) the evolution of the share it occupies on the market for the last 5 years, and
- (b) the terms and conditions of appointment of the Directors of the Board.

**Reply (Vice-Prime Minister, Minister of Finance and Economic Development):** *Editions de L'Océan Indien Ltee* (EOI) is a private company dealing mainly with the publication and importation of school textbooks and general books for sale on the local and international market. Over the years, the

Company has diversified into other areas of business, namely Lab and Chemical products serving mainly the educational sector.

I am informed that with the change in the local market structure whereby other publishing companies are also operating, the EOI has lost around 5% share of its market for books over the last five years. However, with its new strategy, the EOI is expecting to regain its market share that was around 40% in 2008. In fact, for the last five months of 2013 the textbook segment has experienced a growth of around 11% compared with that of same period for last year.

I am also informed that the EOI is currently implementing a new strategy to, *inter alia*, reassert itself in the region and to increase its share in the African Market.

With regard to part (b) of the question the information requested is being tabled.

#### ***MAURICE ILE DURABLE – PROJECTS - IMPLEMENTATION***

**(No. B/531) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Environment and Sustainable Development whether, in regard to *Maurice Ile Durable*, he will

—

- (a) for the benefit of the House, obtain therefrom, information as to the –
  - (i) name of the person at the head thereof;
  - (ii) projects initiated as at to date, indicating the projects earmarked for implementation;
  - (iii) number of seminars, committees, conferences and cocktails organised as at to date, indicating the total amount of money spent therefor, and
- (b) state if he has received representations for the replacement of the person at the head thereof on account of delay in projects implementation and, if so, the actions taken, if any, in relation thereto.

**Reply:** With regard to part (a) of the question, I am informed as follows –

- (i) The Maurice Ile Durable Commission, which is under the responsibility of the Prime Minister's Office, is headed by Mr Osman Mahomed, Executive Chairman. The MID Commission does not implement projects, but coordinates their implementation by line Ministries. There is also a MID Fund Committee which is under the aegis of my Ministry and is chaired by Mrs Joya Bhandari in an acting capacity.

(ii) Many projects have been implemented since 2008 when the MID concept was launched by the Prime Minister. So far, 207 MID related projects and initiatives have been implemented or are ongoing.

I am tabling a list of the projects.

I would like to inform the House that the MID policy, a Ten Year Strategy and a 3-Year Action Plan has now been approved by Government. Some 130 projects/activities covering the 5 E's of MID namely, Energy, Environment, Education, Employment and Equity, have been identified in the Action Plan for implementation in the short, medium and long terms. The implementation of these projects would be aligned with the priorities of line Ministries and integrated in their respective PBB Strategic Plans.

(iii) 29 MID consultative workshops involving some 300 participants, were held from June 2011 to May 2012, in Mauritius and Rodrigues to elaborate the MID Policy, Strategy and Action Plan in consultation with all stakeholders concerned, namely: Ministries, Parastatal Bodies, Private Sector, Trade Unions, Local Authorities, Civil Society organisations as well as the Rodrigues Regional Assembly and other associations.

I am further informed that no cocktail was organised in the preparatory process of the MID Document.

The total cost incurred for the organisation of the different workshops amounted to Rs1,852,245.75.

Concerning part (b) of the question, my Ministry has not received any representation for the replacement of either the Chairperson of the MID Commission or the Chairperson of the MID Fund Committee. However, the delay in the implementation of the new projects identified in the MID Policy, Strategy and Action Plan is due to the fact that the Consultants have taken more time to finalise the document in view of its complexity and magnitude.

### **LE GOULET PUBLIC BEACH - PEDESTRIAN BRIDGE - RECONSTRUCTION**

**(No. B/532) Mr J. C. Barbier (Second Member for GRNW and Port Louis West)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the pedestrian bridge at Le Goulet Public Beach, Tombeau Bay, he will state if he has received any request from the inhabitants thereat for the reconstruction thereof and if so, where matters stand.

**Reply:** I am informed that the request for the demolition and reconstruction of the pedestrian bridge at Le Goulet Public Beach, Tombeau Bay has, in fact, been received from the Ministry of Local Government and Outer Islands.

A request for funds has been made to the Ministry of Finance and Economic Development to enable the NDU to undertake this project.

#### **GRANDE RIVIÈRE NOIRE - AVENUE EUCALYPTUS - DRAINS**

(No. A/180) **Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Minister of Local Government and Outer Islands whether, in regard to the construction of drains along Avenue Eucalyptus at Grande Rivière Noire, he will state where matters stand.

**Reply:** I am informed by the District Council of Black River that a drain network already exists at Cité EDC, Grande Rivière Noire which is located near the sea.

I am informed that Avenue Eucalyptus being located at a low-lying point, the drain network has a low gradient due to site topography resulting in frequent accumulation of water during and after heavy rainfalls. Regular pumping of the water is carried out by the Council when water level rises in the drain.

I am however informed that the construction of a parallel absorption drain will help to alleviate the problem of accumulation of water in that region. The project is estimated to cost Rs1.5 m. and same will be implemented upon availability of funds.

#### **HOTELS & KITE SURFING BUSINESSES, LE MORNE - CORPORATE SOCIAL RESPONSIBILITY FUND**

(No. A/181) **Mrs M. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to contribution to Corporate Social Responsibility Fund by hotels and kite surfing businesses at Le Morne, he will, for the benefit of the House, obtain from the Corporate Social Responsibility Committee, information as to the amount contributed to the Fund, since 2010 to date, indicating the –

- (a) list of the Non-Governmental Organisations which have benefitted therefrom, indicating the criteria laid down and the use to which it has been put to, and
- (b) if any monitoring and evaluation exercise is carried out.

*(Reply not available)*

#### **CHEBEL BRANCH ROAD – TRAFFIC LIGHTS**

**(No. A/182) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the road leading to the Chebel Kovil, at Cr. Royal Road Beau Bassin and Chebel Branch Road, he will state if consideration will be given for the putting up of traffic lights thereat in order to avoid risk of accident.

**Reply:** I have been informed that –

- (i) traffic exiting the Chebel Branch Road get some difficulty during peak time to get sufficient gap to join the traffic flow on the Port Louis St Jean Road A1;
- (ii) there is an existing traffic light just 100 m at the junction Port Louis St Jean Road A1 and Edgar Adolphe Street, and
- (iii) it is important to ensure that in case a new set of traffic light is set up, it does not conflict with the existing one, thereby generating unnecessary traffic congestion and road safety problems. The two sets of traffic light will have to be linked so as they operate synchronously to avoid undue delays at these junctions.

However, the Traffic Management and Road Safety Unit will carry out a traffic study to ascertain the need for the installation of traffic lights at the junction of Port Louis St Jean Road A1/Chebel Branch Road and in the light of the findings appropriate action will be taken.

#### **BEAU BASSIN/PETITE RIVIÈRE – COMMUNITY CENTRES - UPGRADING**

**(No. A/183) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Community Centres in Constituency No. 20, Beau Bassin and Petite Rivière, namely Barkly, Maingard, Canot, Gros Cailloux and Albion, she will state if consideration will be given for the upgrading thereof and if so, when, indicating if special attention will be given to the furniture, equipment and fencing.

**Reply:** I am informed that the five Community Centres are in good condition. General painting was carried out at the beginning of the year and funds have been earmarked for roof treatment works and other minor repairs at Albion Community Centre and Canot Community Centre.

The Community Centres are equipped with appropriate furniture and equipment and additional 200 plastic chairs, 35 tarpaulins and 3 sets of tubular structure will be acquired for the Centres.

Regarding fencing I am informed that minor repairs will be undertaken at Barkly Community Centre and Canot Community Centre during this financial year.

#### **RWANDA & UGANDA - DOUBLE TAXATION AVOIDANCE AGREEMENT**

**(No. A/184) 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 Double Taxation Avoidance Agreement with Rwanda and Uganda, he will state if there has been a request for the re-negotiation thereof and, if so, where matters stand.

**Reply:** The Mauritius-Rwanda Double Taxation Avoidance Agreement (DTAA) was signed on 30 July 2001 and it entered into force on 14 April 2003. At the request of the Rwandan authorities the DTAA has been renegotiated. The renegotiation was completed in February of this year and the revised text was signed on 20 April 2013. Procedures for the entry into force of the new DTAA are under way.

The DTAA with Uganda was signed on 19 September 2003 and it entered into force on 21 July 2004. We have not received any proposal from the Ugandan authorities to revise the Agreement as at date.

#### **ROAD DECONGESTION PROGRAM - CONTRACTORS**

**(No. A/185) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Road Decongestion Program, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the –

- (a) list and description of projects completed and being implemented thereunder;
- (b) name of the contractors for each project;
- (c) value of each contract and amount disbursed as at to date, indicating amount –
  - (i) overpaid, if any, and
  - (ii) under dispute, and
- (d) whether the economic feasibility study of each project was carried out and, if so, by whom.

**Reply:** The information requested for is being placed in the Library of the National Assembly.

#### **GRNW & PORT LOUIS WEST – NDU PROJECTS**

**(No. A/186) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to projects for Constituency No.1, Grand River North West and Port Louis West, he will give a list thereof in the pipeline.

**Reply:** The list is being compiled and will be placed in the Library of the National Assembly as soon as it is ready.

### **POINTE AUX SABLES - SUGAR PLANTERS – BUS STOPS**

**(No. A/187) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Sugar Planters at Pointe aux Sables, he will state if consideration will be given for the provision of sheltered bus stops thereat and, if so, when and, if not, why not.

**Reply:** I have been informed that due to the presence of bends, it is not possible to site any bus stop near Jean Blaise Street, Sugar Planters, Pointe aux Sables. However, procedures have already been initiated for the setting up of a proper pair of bus stop in lay-bys approximately 175 m from Jean Blaise Street near Police Residential Quarters.

A bus stop in the direction of Pointe aux Sables approximately 40 m from Printemps Avenue may be fixed on road pending the construction of a lay-by. Whereas in the direction of Port Louis, 32 m from Printemps Avenue a bus stop has to be sited off-road should compulsorily be in a lay-by due to poor visibility along the road. A plan is being laid in the Library for more clarification.

### **MUNICIPAL COUNCIL OF QUATRE BORNES – LANES - TARRING**

**(No. A/188) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Local Government and Outer Islands whether he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to the number of lanes which have been tarred and provided with lighting, and now fitted with a gate by the adjoining residents, indicating the actions taken, if any, in relation thereto.

**Reply:** I am informed by the Municipal Council of Quatre Bornes that representations had been received from residents of a public road situated at corner Rotin No. 2 and Palma Road to the effect that a gate had been fitted at the entrance of this road with a view to restricting vehicular and pedestrian access thereto.

I am informed that a notice was served upon one Mr Jean Claude Lactive by the Council on 16 May 2013 to remove the gate and since the latter did not comply with the notice by 20 May 2013, same has been removed by the Council itself on 24 May 2013.

I am further informed that following surveys conducted by the Council, four similar cases have been noticed at the following sites –

- (i) Telfair Avenue, Belle Rose;
- (ii) Rughooputh Lane, Palma;
- (iii) Lane off Cooseal Road, Bassin, and

(iv) Colleville Avenue, Belle Rose.

Appropriate actions will be taken by the Council once it is ascertained that these accesses are public ones.

#### **FSC - MANAGEMENT COMPANIES - FEES**

**(No. A/189) 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 licence fees, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to whether it has received representations from management companies on the incidence on small firms of the increase thereof and, if so, the remedial actions taken, if any.

**Reply:** Following the announcement in the Budget Speech 2013 to the effect that “licence fees for Management Companies will now be based on turnover so as to be fair to the smaller ones”, the Financial Services Commission had engaged into a consultation process with the industry in respect of the review of fees for Management Companies. The Commission requested proposals from Management Companies on 18 December 2012 & 08 January 2013 respectively and discussions were also held with the two Industry Associations, namely GFM and ATMC for their proposals.

Following the publication of the Financial Services (Consolidated Licensing & Fees) Rules 2013 in April 2013, no representations have been received by the FSC in respect of the incidence of the review of fees on small firms.

#### **ABERCROMBIE - POLICE DIVISIONAL HEADQUARTERS - CONSTRUCTION**

**(No. A/190) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Housing and Lands whether, in regard to the proposed construction of a new and modern Divisional Headquarters at Abercrombie, he will state if his Ministry has been requested to carry out a detailed survey plan of the plot of land to house same and, if so –

- (a) when;
- (b) where matters stand, and
- (c) the expected date of completion.

**Reply:** On 24 April 2013, the Police Department has requested soft copies of the survey plan of the site on which stand the Abercrombie Divisional Headquarters. The site has been surveyed on 27 May 2013. The survey plan is under preparation and is expected to be finalised within two weeks.

#### **PORT LOUIS MARITIME & PORT LOUIS EAST - STREETS - ABANDONED VEHICLES**

**(No. A/191) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Environment and Sustainable Development whether, he will state if he has been made aware that there are several abandoned vehicles in various streets in Constituency No. 3, Port Louis Maritime and Port Louis East, which represent eyesores and hindrances to the pedestrians, and if so, whether consideration will be given for the removal thereof.

**Reply:** Following complaints received at the *Police de L'Environnement* from inhabitants of Constituency No. 3 between June 2012 and February 2013 regarding abandoned vehicles on the streets, several site visits were effected in different streets of the Constituency. In all, six (6) abandoned vehicles were identified. All of them have already been removed through the intervention of *Police de L'Environnement*.

During a joint site visit effected on Wednesday 03 July 2013 by officers of my Ministry, the City Council of Port Louis and *Police de L'Environnement*, seven (7) additional abandoned vehicles have been identified which belong to one owner.

An Eyesore Abatement Notice was issued on 04 July 2013 by my Ministry upon the owner instructing him to remove the vehicles within a delay of ten (10) days. Furthermore, given that this is a recurrent issue, the matter has been referred to the Commissioner of Police to initiate necessary action as per section 3 of the Road Traffic (Removal of Vehicles) Regulations 1962, which stipulates that “where a vehicle having broken down on a road, appears to have been abandoned, or has been permitted to remain at rest on a road in such a position or in such condition or in such circumstances as to appear to have been abandoned, a police officer may remove the vehicle or arrange for it to be removed from that road or may move it or arrange for it to be moved to another position on that or another road or to such other place as the Commissioner of Police may determine.”

#### **PLAINE VERTE - TRAFFIC LIGHTS**

**(No. A/192) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the traffic lights at corner Route des Pamplemousses and Sir Edgar Laurent Street, Plaine Verte, Port Louis, he –

- (a) will state if same are being switched off every day at 20h00 and, if so, why, and
- (b) is aware of the risk of accidents thereat and, if so, indicate if consideration will be given for the light to remain lit till 22h00.

**Reply:** I have been informed that the traffic lights at junction Route des Pamplemousses/Sir Edgar Laurent Street control traffic from the direction of the north on one side (Route des

Pamplemousses), and from the direction of Plaine Verte, Cité Martial and Camp Yoloff along Sir Edgar Laurent Street from the other side.

After requests from the Police Authorities, this traffic light was programmed to be turned off at 20 00 hrs. The reason behind this scheduling was that during late night time, stationary cars at a red light were at risk from vandals. Moreover, traffic volumes are low during night time.

However, after representations from inhabitants of Plaine Verte, the switch off time was reset to 21 00 hrs.

It has been confirmed by the maintenance Contractor that this traffic light is programmed to be switched off at 21 00 hrs, and not 20 00 hrs.

The contractor has also informed this office that the clock/timer found in the traffic light controller (make Sagem) was 20 minutes advanced, and this was causing the traffic light to be switched off earlier than programmed during the past few weeks. The above defect has been repaired.

The contractor has been instructed to programme the traffic light so that it becomes on flashing mode as from 22 00 hrs on a daily basis.

Moreover, it is worthwhile noting that many traffic lights at major junctions around the island are programmed so that they either switch off, or are in flashing mode, from a specific time during the night. Junctions on that mode are Quatre Bornes near market, Ste Croix, Père Laval junction, Ebene near Ebene SSS Girls and Piton junction, among others. These have been programmed this way after requests by the Police due to safety reasons mentioned above.

When traffic lights at major junctions are in flashing mode, or switched off, at night, drivers are guided by the “*Give Way*” sign fixed at the minor road of the junction. They must ensure that they proceed with utmost care, while observing all necessary safe driving codes.

#### **ENERGY SERVICES DIVISION - VACANCIES**

**(No. A/193) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Energy Services Division, he will, for the benefit of the House, obtain from the Division, a list of the vacancies, grade wise, that presently exist thereat, indicating when each of them will be filled.

**Reply:** The answer to this question is being placed in the Library of the National Assembly.