

No. 16 of 2013



**FIFTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**SECOND SESSION**

**TUESDAY 16 JULY 2013**

## **CONTENTS**

**PAPERS LAID**

**QUESTIONS** (*Oral*)

**MOTION**

**BILLS** (*Public*)

**ADJOURNMENT**

**QUESTIONS** (*Written*)

## Members

**THE CABINET****(Formed by Dr. the Hon. Navinchandra Ramgoolam)**

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 Beebeejaun, 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
Dr. the Hon. Arvin Boolell, GOSK	Minister of Foreign Affairs, Regional Integration and International Trade
Dr. the Hon. Abu Twalib Kasenally, GOSK, FRCS	Minister of Housing and Lands
Hon. Mrs Sheilabai Bappoo, GOSK	Minister of Social Security, National Solidarity and Reform Institutions
Dr. the Hon. Vasant Kumar Bunwaree	Minister of Education and Human Resources
Hon. Satya Veyash Faugoo	Minister of Agro-Industry and Food Security, Attorney General
Hon. Devanand Virahsawmy, GOSK	Minister of Environment and Sustainable Development
Dr. the Hon. Rajeshwar Jeetah	Minister of Tertiary Education, Science, Research and Technology
Hon. Tassarajen Pillay Chedumbrum	Minister of Information and Communication Technology
Hon. Louis Joseph Von-Mally, GOSK	Minister of Fisheries
Hon. Satyaprakash Ritoo	Minister of Youth and Sports
Hon. Louis Hervé Aimée	Minister of Local Government and Outer Islands
Hon. Mookhesswur Choonee	Minister of Arts and Culture
Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed	Minister of Labour, Industrial Relations and Employment

Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure
Hon. Lormus Bundhoo	Minister of Health and Quality of Life
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
Roopchand Seetaram	and Cooperatives
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

# PRINCIPAL OFFICERS AND OFFICIALS

<i>Mr Speaker</i>	Peeroo, Hon. Abdool Razack M.A., SC, GOSK
<i>Deputy Speaker</i>	Peetumber, Hon. Maneswar
<i>Deputy Chairperson of Committees</i>	Deerpalsing, Hon. Ms Kumaree Rajeshree
<i>Clerk of the National Assembly</i>	Dowlutta, Mr R. Ranjit
<i>Deputy Clerk</i>	Lotun, Mrs B. Safeena
<i>Clerk Assistant</i>	Ramchurn, Ms Urmeelah Devi
<i>Clerk Assistant</i>	Gopall, Mr Navin
<i>Hansard Editor</i>	Jankee, Mrs Chitra
<i>Senior Library Officer</i>	Pallen, Mr Noël
<i>Serjeant-at-Arms</i>	Munroop, Mr Kishore

**MAURITIUS**

**Fifth National Assembly**

-----

**SECOND SESSION**

-----

**Debate No. 16 of 2013**

**Sitting of 16 July 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)*

## PAPERS LAID

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

**A. Office of the Speaker –**

The Annual Report and Audited Accounts of the Independent Commission Against Corruption as at 31 December 2012 (In Original).

**B. Prime Minister's Office –**

- (a) Certificate of Urgency in respect of the following Bills:-
  - (i) The Immigration (Amendment) Bill (No.XVIII of 2013); and
  - (ii) The Criminal Appeal (Amendment) Bill (No. XIX of 2013).
- (b) The Annual Report 2012 of the Mauritius Ports Authority.

**C. Ministry of Finance and Economic Development –**

- (a) The Land (Duties and Taxes) (Amendment of Schedule) (No.2) Regulations 2013 (Government Notice No.172 of 2013).
- (b) The Insolvency (Qualifications of Insolvency Practitioners) (Amendment) Regulations 2013 (Government Notice No. 173 of 2013).
- (c) The Finance and Audit (Prime Minister's Relief and Support Fund) (Amendment) Regulations 2013 (Government Notice No.174 of 2013).

- (d) The Public Procurement (Amendment No.3) Regulations 2013 (Government Notice No.175 of 2013).
  
- (e) The Report of the Director of Audit (In Original) on the –
  - (i) Accounts of the Republic of Mauritius for the fiscal year 2012;
  - (ii) Accounts of the Rodrigues Regional Assembly for the fiscal year 2012;
  - (iii) Activity and Performance Report of the National Audit Office for the year 2012;
  - (iv) Certified Financial Statements of the Republic of Mauritius for the fiscal year 2012; and
  - (v) Certified Financial Statements of the Rodrigues Regional Assembly for the fiscal year 2012.



## ORAL ANSWERS TO QUESTIONS

### SUPREME COURT – OFFICERS - ALLEGED CORRUPTION

**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 recent alleged cases of corruption against two officers of the Supreme Court, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to –
  - (i) when the cases were reported to the police and by whom;
  - (ii) the number of arrests effected in connection therewith, as at to date, indicating the charges preferred, in each case;
  - (iii) if the inquiry has revealed any alleged case of hacking and any connection with gambling activities and illegal betting, and
- (b) state the measures Government proposes to take to reinstate public confidence in the Judiciary.

**The Prime Minister:** Mr Speaker, Sir, let me at the outset remind the House, in the most categorical and in the clearest terms, that the principle of separation of powers between the Judiciary, the Legislative and the Executive is sacrosanct, and is firmly entrenched in our Constitution.

As has been rightly publicly stated by a Senior Counsel, I quote -

“People must not jump to the conclusion that the breaking news about the arrests of Court officers and other law practitioners heralds a message that the citadel of justice is corrupt and corruptible”.

I wish to say, Mr Speaker, Sir, that the integrity of our Judges and our judicial system is in no way challenged by the recent allegations.

Mr Speaker, Sir, in regard to part (a) (i) of the question, I am informed by the Commissioner of Police that on 08 July 2013, one Mr P.A.K.F.K residing at Royal Road, Mount Ory, made a declaration at the CCID Line Barracks wherein he stated that he is a shareholder/director of the company “Play on Line Ltd” which deals in the business of betting on football matches played outside Mauritius. In or about October 2012, a company in the name of Sport Data Feed Ltd had lodged an injunction against his company claiming that it was the sole local representative and exclusive licence holder of data on football matches which he had obtained from Football Data Company Ltd. Sport Data Feed Ltd was claiming a fee to be paid by all football betting companies in Mauritius. Mr P.A.K.F.K further stated that it had now been discovered that there had been certain incriminating emails alleging fraudulent activities involving

Messrs R.R, K.J., R.I, S.R and N.S.H and Mrs B.D.B. These emails, according to Mr P.A.K.F.K, showed that these persons had allegedly conspired with a view to obtaining a Court judgment in favour of Sports Data Feed Ltd by offering a certain amount of money to the Secretary of a Judge.

These emails, according to Mr P.A.K.F.K, showed that these persons had allegedly conspired with a view to obtaining a Court judgment in favour of Sports Data Feed Ltd by offering a certain amount of money to the Secretary of a Judge.

In regard to part a (ii) of the question, I am informed by the Commissioner of Police that the CCID immediately started an inquiry. On the 12 July 2013, Police proceeded with the arrest of four persons as follows -

- Mr K. J, Senior Court Officer;
- Mr R. I, Principal Court Officer;
- Mrs B.D.B, Supervisor, and
- Mr R. R, Attorney-at-Law.

On the 13 and 15 July 2013, Police arrested two other persons, Mr N.S.H, Bar-at-Law and Mr S. R, Accountant. On Saturday the 13 July 2013, that is, the same day, the first four accused appeared before the Bail and Remand Court and a provisional charge of Conspiracy was lodged against them. They were remanded to Police cell up to 22 July 2013.

On Sunday 14 July 2013, Mr N.S.H appeared before the Bail and Remand Court and again a provisional charge of “Conspiracy” was lodged against him. He was also remanded to Police cell up to the 22 July 2013.

As for Mr S. R, he will appear before Port Louis South District Court today under a provisional charge of “Conspiracy”.

In regard to part a (iii) of the question, I am informed by the Commissioner of Police that on the 12 July 2013, Police searched the offices of the two Court Officers as well as their places of residence, and secured two computers, one mobile phone and other communication devices and accessories. Similarly, on the same day, Police searched the place of residence of the two other persons arrested on the 12 July, namely, Mrs B.D.B and Mr R.R and secured one mini laptop, four laptops, one computer, one Iphone, one tablet, two mobile phones and other communication devices and accessories.

As regards Mr N.S.H. and Mr S. R who were arrested on the 13 and 15 July 2013 respectively, Police secured two laptops and other communication devices and accessories.

The Police IT Unit is currently carrying out forensic examination of the exhibits secured in a view to retrieving evidence in relation to the case.

It is premature and inappropriate, Mr Speaker, Sir, to speculate and to debate on the outcome of the IT forensic examination that is underway by the Police.

Mr Speaker, Sir, regarding part (b) of the question, I wish to remind the House that the Judiciary, as an independent institution, has its own guidelines regarding the exercise of its judicial duties.

I wish here to assert in no uncertain terms that our Judiciary can pride and it has always, in fact, prided itself, of its staunch independence from improper, extraneous influences, whether coming from litigants or from other quarters.

I am confident that all the Members of this House, and especially those of the legal profession, will join me in solemnly reaffirming our unflinching confidence in the independence and impartiality of our Judiciary. We have no doubt that the principles I have quoted have always been, and shall continue to be strictly adhered to.

Mr Speaker, Sir, having said so, I have no doubt that the Judiciary, in total independence from the Executive, will, in its wisdom assess the implication of the alleged wrongdoings by support staff and I pause here to stress the words “support staff” and take any corrective measures, including a tighter monitoring of the duties performed and the professional responsibilities shouldered by the support staff – measures, in fact, it deems necessary in its own judgment to avoid any perceptions that it is, in any way, departing from the principles in the “Guidelines for Judicial Conduct”.

Mr Speaker, Sir, our Judiciary remains a bedrock of our democracy. It has over the years built up a reputation that is internationally acknowledged and acclaimed.

Possible abuses or corrupt practices by individual officers do not reflect lack of integrity on the part of an institution.

On a broader level, public sector institutions, in general, must reinforce their internal control mechanisms to prevent abuses or corrupt practices by a small minority of individual officers.

**Mr Ganoo:** Mr Speaker, Sir, I thank the hon. Prime Minister for his answer. From this side of the House, we consider also that the reputation and credibility of the Judiciary are above board and unassailable. We agree to what the hon. Prime Minister has said so far as the credibility of our Judiciary is concerned, but, may I put it to the hon. Prime Minister that this recent scandal, although not putting in question the credibility of the Judiciary, has been a blow to this supreme institution, to our citadel of justice and the fountainhead of freedom and liberty for the common man in this country. So, Mr Speaker,

Sir, the first question I want to put to the hon. Prime Minister is whether Government or the hon. Prime Minister have any proposal to ensure as Head of the Executive that our Judiciary continues to enjoy the respect and the esteem of the Mauritian population?

**The Prime Minister:** Yes in the sense that, Mr Speaker, Sir, I cannot really interfere in the matters which concern the Judiciary but I must say that the reform of the Judiciary has always been high on our agenda as the hon. Leader of the Opposition, himself, knows. I set up this Presidential Commission in 1997 by Lord Mackay exactly to examine the structure and operation of the judicial system and legal profession in Mauritius. We have implemented a substantial part of the Mackay report which has been updated, I think, in 2006. I'll ask him to come again to make sure that we are following the reforms that need to be done. We intend to continue with those reforms; simplify procedures and look at all those things at the same time.

**Mr Ganoo:** Mr Speaker, Sir, again, true it is, we are not putting in question the credibility, the reputation of our Judiciary, but we must all endeavour to prevent evil forces permeating and infiltrating this supreme institution. This is why I ask the question to the hon. Prime Minister. Is he aware that a declaration has been made yesterday afternoon against one of the suspects at the Pope Hennessy Police Station concerning a serious allegation of a falsified and forged judgement of a Judge of the Supreme Court regarding a land dispute? The allegation has been made against one of the Supreme Court officers detained at the moment.

**The Prime Minister:** In fact, Mr Speaker, Sir, since the enquiry has started, other people have made allegations as the hon. Leader of the Opposition is saying and Police is enquiring into this.

**Mr Ganoo:** Can the hon. Prime Minister also explain how come that the declarant in the present case had copies of emails allegedly sent by the suspect in the case?

**The Prime Minister:** As I said in my answer, Mr Speaker, Sir, the Police are enquiring in it. There is a whole team actually working on this whether there has been what they call hacking or not, but this is being done, Mr Speaker, Sir.

**Mr Ganoo:** In view of the loose framework in which the Secretary to the Judge operates today in the Judge's Chambers, doesn't the hon. Prime Minister think that a more precise and defined framework should be set up for the protection of all litigants, of the Judge especially, of the Secretary to the Judge himself, and above all that the proceedings in Chambers should be recorded and digitalised as it is in Open Court?

**The Prime Minister:** It could be a suggestion that should be put to the Judiciary, Mr Speaker, Sir. I cannot go and tell them what they should do, what they should not but I suppose given what has happened, the Judiciary, I am sure, will take additional measures.

**Mr Ganoo:** Mr Speaker, Sir, the whole population has been traumatised by this scandal although I say again it does not put in question the credibility of our Judiciary. Will the hon. Prime Minister see to it also that this enquiry is conducted in a very independent and fair manner in the sense that, Mr Speaker, Sir, statements will have to be taken from Judges probably as witnesses in this case and this is an odd and unusual situation?

**The Prime Minister:** Mr Speaker, Sir, in fact, there is another question which has been asked, and I was going to say this. Always we find that one of the difficulties that we have is that different authorities are doing investigations. We need to have one authority which can supervise all these investigations that are being done. That is why I had a meeting with the person in charge of the criminal investigation, who is a forensic auditor from the Serious Fraud Office.

**Mr Ganoo:** Really, the background to this case is gambling and also betting activities. Has the hon. Prime Minister been informed that, in the course of the enquiry, an illegal network of illegal betting has been detected and revealed that one of the parties in this case has set up a network pool around the island to promote illegal betting?

**The Prime Minister:** In fact, Mr Speaker, Sir, the licensing and inspectorate team of the GRA, together with the *Police des jeux*, are inquiring into this matter which has been reported to them. The enquiry is continuing. I don't know whether it would be, at this point, wise to give details of the enquiry that is going on. It is a difficult enquiry because most of these betting are being done by phone. So, it means the procedures would be longer. But we are certainly investigating into it.

**Mr Ganoo:** Mr Speaker, Sir, illegal betting, gambling is the background to this case which led to this scandal. Doesn't the hon. Prime Minister think that, in fact, gambling activities which have been promoted, encouraged in this country since the past years, have been the source of many social evils, which Government has, unfortunately, been unable to curb and to put a stop to?

**The Prime Minister:** In fact, we have taken some measures, Mr Speaker, Sir, following these illegal betting and the problems that they do create - the licences that have been given. In fact, we have stopped giving new licences - There is another question on that I think later on. We have tried to minimise. We have increased the fees also, but the main thing is that we have stopped giving any new licences. Furthermore, we are looking at the possibility of moving them to one site. There is a question later on this very topic.

**Mr Ganoo:** I am taking up where the hon. Prime Minister stopped. Since the Government Programme of 2010, Government announced that Government would relocate gambling activities from commercial or residential areas, either to specific or to one designated area. Why has this not been done after so many years?

**The Prime Minister:** In fact, the suggestion came from me further to a visit to Singapore, where they have put all the gambling activities in one place and people can go and do whatever they want there, but not throughout the country. The problem is, first of all, we had to locate the site because it has to be a site that can accommodate all this. We had agreed on one site, but there were some objections to the site being used. Some people suggested that this site is such a prime site that perhaps it should be used for other things, including a new National Assembly. In fact, we are persisting. At the end of the day, we think that is the site. We have started the procedures, but we have to have an environmental impact and all those things, and this is what is taking time. I believe this is now coming to a term.

**Mr Ganoo:** The hon. Prime Minister must be aware that gambling activities prosper, thrive on advertisement, and have nefarious effects on people. Why does unabated advertisement with regard to the different types of gambling activities still persist? Can the hon. Prime Minister explain why the same regime applicable to alcohol and cigarettes so far has as yet not been applied also in the case of gambling?

**The Prime Minister:** I am not sure whether that would be the right approach because not in all gambling activities there are people who are cheating; there are some. Excessive gambling is a different thing, Mr Speaker, Sir. Some of them are really depending on chance, and people are getting a chance to become rich through this. As I said, we have increased the licence fees. If you ask me about the advertising that they do in the papers I suppose, and on the billboards, I believe this is one area of advertising that is being done. Not everything is being advertised as far as I know.

**Mr Ganoo:** Mr Speaker, Sir, there is, on the one hand, the promises of Government to curb the compulsive gambling propensities, unfortunately, of our nation today. When we look at the figures with regard to Government revenues from gaming taxes and licences, it shockingly reveals that year in, year out, thousands of our citizens are succumbing, unfortunately, to the traps and the dangers of easy money, which is the undeniable cause of many social ills, including pauperisation, breakdown in families, indebtedness, and finally the committing of suicide. For the hon. Prime Minister's information, in 2010, Government collected Rs2.7 billion from taxes on gambling activities, Mr Speaker, Sir.

**The Prime Minister:** I must say two things, Mr Speaker, Sir. First of all, this is a problem of society. It is not Government's doing that people want to go and bet. But they have this opportunity. I must tell the hon. Leader of the Opposition that one of the problems that we saw was that there was quite

extensive illegal betting. This is one of the things we wanted to stop. Instead of letting them do illegal betting, at least, there is a control, and Government can recoup taxes from them.

**Mr Ganoo:** Some time back, the hon. Prime Minister himself, in the course of a reply to a PNQ, informed the House that the authorities are identifying gambling houses which are public nuisances in our towns and villages. Can he inform the House what measures has Government taken insofar as to reduce the number of gambling houses which, in fact, are public nuisances?

**The Prime Minister:** I think there are a few of them that have been closed. For example, the one which is well known to most of the Members here is Ti-Vegas in Quatre Bornes. After long procedures in Court; they went to Court, they went for appeal and all these things, but we maintained our decision and we have closed it. This is the kind of things that we are doing.

**Mr Ganoo:** Can the hon. Prime Minister inform the House whether the Gambling Regulatory Authority has finally come up with a code of practice to govern the activities of operators, and if so, why not?

**The Prime Minister:** I think the law is already there, Mr Speaker, Sir, but I understand they are preparing a code of practice which they will be imminently issuing.

**Mr Ganoo:** It was announced also that the GRA will regulate the hours of operation of the operators. Can the hon. Prime Minister say why this has not been done yet?

**The Prime Minister:** I believe this is being done, but as some Members are saying, this pertains to the GRA. Maybe, the hon. Leader of the Opposition should put a substantive question. But I believe this is being done.

**Mr Ganoo:** Mr Speaker, Sir, I ask my last but one question to the hon. Prime Minister concerning the measures Government should take to buttress confidence of the public in our Judiciary. Mr Speaker, Sir, the hon. Prime Minister must be aware that there has recently been one issue of concern to the Judiciary itself, to the Bar and to the country at large; the widespread rumour that Government is agreeable to the reemployment of Judges after their retirement age. Can the hon. Prime Minister ensure the House that this possibility rests only in the realm of rumours, and has no basis at all?

**The Prime Minister:** As the hon. Leader of the Opposition knows, there has been an extension of the age for Judges. That is all that I know. Now, how would the Judges who have retired come back to the Supreme Court?

*(Interruptions)*

Not retired! 000.

Well, if they have not retired, they will work until their retirement age, which has been extended, and that's it.

**Mr Obeegadoo:** Mr Speaker, Sir, will the hon. Prime Minister agree that this present case comes in the wake of a series of controversies that the Opposition has raised here, in the House - I refer to private arbitration, to the E-Judiciary and this host of issues - and that unless and until there is a will on the part of Government to tackle those issues, the setting is there for public perception that things are not going as they should within our judicial system?

**The Prime Minister:** In fact, the two things that the hon. Member has mentioned have been initiated by this Government. But we cannot go and do the work in the Judiciary. The initiating of these processes has been done by us.

**Mr Baloomoody:** Following the question of my friend hon. Obeegadoo that, in order to protect our Judges, especially in dealing with fees and financial transactions, does not the hon. Prime Minister think that it is proper for him to advise the Chief Justice that, whenever a sitting Judge makes a request for a private arbitration, that this request is not acceded to?

**The Prime Minister:** This issue has been taken up, Mr Speaker, Sir, and it is being looked into, as hon. Members know.

**Mr Uteem:** Being given that there has been serious allegation of hacking into computers of the Supreme Court, would not the hon. Prime Minister agree that, being given the whole e-judiciary project, there is a need to ensure that this e-Judiciary is hacker-proof and that there is sufficient backup even in terms of hard copies, so that whenever someone hacks into the system, he does not pervert the course of justice?

**The Prime Minister:** Well, Mr Speaker, Sir, hacking is, as we know, one of the reasons why they brought the legislation about the press in UK; it was precisely because they were hacking into Police e-mails and others. So, as far as possible we have to do this because the hon. Member probably knows, we have learnt recently how people's conversations have been tapped by foreign Governments. They have the technology. We do not have the kind of technology to prevent everything.

*(Interruptions)*

**Mr Jhugroo:** Can the hon. Prime Minister inform the House whether any measure is envisaged to secure any statement from the protagonist who is in UK?

**The Prime Minister:** I am not quite sure about the question.



**Mr Jhugroo:** I wanted to ask the hon. Prime Minister whether any measure is envisaged to secure information from the protagonist who is in UK.

**The Prime Minister:** I understand from the papers that he has himself put cases in the UK and that he is coming to Mauritius this weekend; he will be interviewed certainly.

**Mr Jugnauth:** Prior to this case coming to light, there have been very serious allegations in Rodrigues with regard to illegal betting and Police started an enquiry. There has been an allegation involving the same Counsel who has been arrested and provisionally charged. May I know from the hon. Prime Minister, with regard to Rodrigues, why is it that no statement has been taken from this person up to now?

**The Prime Minister:** I cannot say whether no statement has been taken from him, Mr Speaker, Sir. All I know is that there has been an enquiry.

**Mr Bhagwan:** Can I know from the hon. Prime Minister whether in order to preserve public trust in the Judiciary, he intends to discuss with the Chief Justice to avoid appointing sitting Judges or Magistrates to preside over Fact-Finding Committees or Commissions of Enquiries?

**The Prime Minister:** This is something that has to be taken up with the Judiciary, as the hon. Member says, but I do not want to go and interfere in the workings of the Judiciary, Mr Speaker, Sir. I do not want to do this. There has been a debate about this, articles in the press, and this is being looked into, as I said. I know the President also is looking into this.

**Mr Bodha:** May I ask the hon. Prime Minister whether he can enlighten the House as to whether one of the parties and his Lawyer had a meeting with the Chief Justice prior to reporting the case to the Police and whether the Chief Justice did make a personal enquiry into the matter before the case being lodged?

**The Prime Minister:** I did not speak to the Chief Justice about this matter, Mr Speaker, Sir, but this is what has been reported in the press.

**Mr Ameer Meea:** The hon. Prime Minister just announced that a series of measures has been taken to crack down on issues and problems relating to gambling houses, including the closure of gambling houses. Therefore, can I ask the hon. Prime Minister how many gambling houses have been closed during the recent years?

**The Prime Minister:** As I said, I do not have the exact number, but let me also say that we have, in fact, reinforced the GRA precisely because of this. They have taken on board, I think, four retired Police officers to be able to look into these enquiries so that it can go faster.

**Mr Bhagwan:** We are talking about gambling. Sir, can I know from the hon. Prime Minister whether he has discussed recently with the Commissioner of Police that the *Police des Jeux* which is most ineffective and whether this Unit will be given more staff and more means? Does the hon. Prime Minister also intends to discuss same with the Commissioner of Police?

**The Prime Minister:** This has already been done. I think there was a question from one hon. Member from the other side. In fact, we have reinforced the *Police des Jeux*. It is now together with the ADSU which is now under Mr Sooroojbally who is doing a marvellous work there, what is humanly possible.

**Mr Ganoo:** Very often, we hear of cases of minors being involved or being arrested in gambling houses. Can the hon. Prime Minister tell us whether the *Police des Jeux* or the Commissioner of Police has got any special strategy to discourage or to do away with the minors being involved in gambling?

**The Prime Minister:** The law provides for this, Mr Speaker, Sir. The law provides for very tough sanctions if minors are caught by the *Police des Jeux*. But, let me say, this question was about the Judiciary and now we are going on to betting. I am not the Minister responsible for this.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House which Police Department is conducting this enquiry?

**The Prime Minister:** As I said, there is a Police enquiry being done by the ADSU, by the *Police des Jeux* and also under the supervision of the Commissioner of Police who will decide on operations and who he wants to – if it needs to further strengthen this enquiry.

**Mr Fakeemeeah:** Will the hon. Prime Minister see to it that our media system does not exaggerate with such title as '*Jugement truqué*' to disturb the public confidence in our Judiciary?

*(Interruptions)*

**The Prime Minister:** Is the hon. Member talking about the articles in the media? Yes, I think he is right on this! I think not because two people have been involved...

*(Interruptions)*

This happens in any department. We cannot say, therefore, that the Judges are guilty. There is an enquiry going on, let us see where the enquiry is. But, I reaffirm my total confidence in the Judiciary.

**Mr Speaker:** Last question to the hon. Leader of the Opposition!

**Mr Ganoo:** But still, we are a shining democracy. So, how can we shut the mouth of the press, Mr Speaker, Sir?

*(Interruptions)*

Can the hon. Prime Minister...

*(Interruptions)*

**Mr Speaker:** Order, please!

**Mr Ganoo:** Mr Speaker, Sir, can I ask the hon. Prime Minister that in view of this odd and unprecedented situation where the Police are conducting, and will go on conducting, an enquiry into the Judiciary, Mr Speaker, Sir, doesn't the hon. Prime Minister think that this may lead to a very embarrassing situation? Can I ask him, therefore, in view of that, whether the solution should not have been to the setting-up of a Commission of Enquiry chaired by a former British Judge and a Commonwealth Judge, Mr Speaker, Sir, not only to probe into the present situation, but also to look into other issues of concern, of interest to the whole Judiciary, of complaints also addressed regarding our Judiciary? In other words, is the hon. Prime Minister agreeable that a new 'Mackay' Commission be set up to make recommendations with a view to prepare the Judiciary for the future?

**The Prime Minister:** Mr Speaker, Sir, we are very lucky...

*(Interruptions)*

**Mr Speaker:** Silence! I want some silence!

*(Interruptions)*

I say silence now! Yes, hon. Prime Minister, you may answer!

**The Prime Minister:** Mr Speaker, Sir, I consider it we were very honoured and privileged...

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** ... to have Lord Mackay whom I approached. When he was Lord Chancellor, I approached him but, of course, he could not do it when he was Lord Chancellor. But, he suggested three names. One was a former Chief Justice from Malaysia, one from India and one, I think, from Singapore, but none of them could come straightaway and then the Conservative Party lost the elections and I went back to him and said: "Now that you are not Lord Chancellor, why don't you do us this privilege of coming and doing this very wide and detailed report on the Reform of the Judiciary?"

We are very lucky to have a man of his calibre. But we have also very good top Judges here. When we were doing the opening of the internal arbitration, there were very top former Judges; even from

the Privy Council, they were very struck by the quality of our Judges in this country. So, let us see! The enquiry is going on.

Let me also say this, Mr Speaker, Sir, because one of the questions that was mentioned was what we are doing about betting. I must say that the person concerned, who is in London at the moment, he has applied many times for licences to conduct football betting outside Mauritius; licences for football betting through SMS. All this has been turned down by the Government - the same person!

**Mr Speaker:** Time is up! We move to questions addressed to Dr. the hon. Prime Minister. Mrs Radegonde-Haines!

### **RIVIERE DES GALETS - FIRE OUTBREAK – INQUIRY**

**(No. B/681) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to late Mr K. A., who died in a fire outbreak in a house, at Rivière des Galets, in the night of Thursday 9 April 2013, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that the fire in a house at Cité EDC at No. 6, Bénitier Street, Rivière des Galets, which caused the death of Mr K. A. occurred on 09 May 2013 and not on 09 April 2013. But on that day, that is 09 May at 20 00 hours, the Police received a request for assistance in a case of fire which had broken out in a house at Rivière des Galets.

Two Police officers from the Chemin Grenier Police Station proceeded to the site and reached thereat at 20 05 hours. They found that the fire had broken out in a room of a house made of corrugated iron sheets and timber, and volunteers had already subdued the fire.

Mr K. A., who was handicapped and could move only by crawling, had sustained burns all over his body. Police conveyed him to Souillac Hospital, where he received preliminary treatment. On the same night he was transferred to the Burns Unit at Princess Margaret Orthopaedic Hospital, Candos for further treatment.

The Police have initiated an enquiry into the case. On 10 May 2013, Officers of the Forensic Science Laboratory, the Police Technical Unit, the Scene of Crime Office and the local CID examined the site.

No statement could be recorded from the victim as he was in a serious condition.

Mr K. A. passed away unfortunately on 15 May 2013 at the Burns Unit of the Princess Margaret Orthopaedic Centre. On the same day, an autopsy was carried out by the Chief Police Medical Officer, who certified the cause of death as “Septicemia due to extensive burns”.

Police have so far recorded statements from eight persons, including one Mrs M. D. D., mother of the victim, Mr M. C., stepfather of the victim and their three children, namely, Master N. C., Miss M. S. B. C. and Mr L. R. C.

Upon completion of the enquiry by the Police, the case file will be referred to the Director of Public Prosecutions for advice.

**Mrs Radegonde-Haines:** Mr Speaker, Sir, can the hon. Prime Minister tell us whether statements were taken from all members of K. A. family indicating if K. A. was unattended and who was responsible for his care on a 24-hour basis?

**The Prime Minister:** Mr Speaker, Sir, all I know is that the Police are enquiring into the matter. They are taking statements. The enquiry is not completed yet and, as I said, when it would be completed it would be sent to the DPP for advice.

**Mr Speaker:** Any more supplementary questions?

**Mrs Radegonde-Haines:** Mr Speaker, Sir, allow me to insist on that case. Our country has signed the UN Convention to protect ...

**Mr Speaker:** Hon. Member, I am sorry! I am going to interrupt you. You have to put a question, otherwise if you have no question, you may not!

**Mrs Radegonde-Haines:** Mr Speaker, Sir, can the hon. Prime Minister tell us whether there is now a Monitoring Committee in place to ensure that appropriate policies and measures are being implemented and how they co-opted expert in disability sector for advice in line with the Government Commitment to improve the quality of life of the disabled?

**The Prime Minister:** Mr Speaker, Sir, we have done a lot for disabled persons. I know there is a whole lot of people involved in this. Whether there has been one mishap I cannot say, the enquiry will prove it, but we are certainly doing a lot of efforts towards handicapped people.

**Mr Speaker:** Does the hon. Member have any more questions?

**Mrs Radegonde-Haines:** I would like to table a copy of the condition in which K. A. was living in Rivière des Galets. The photos were taken by myself.

**Mr Speaker:** This is not a question! Next question, hon. Jhugroo!

## PONZI SCHEMES - ARREST

(No. B/682) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the recent reported cases of Ponzi Schemes, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) the institutions concerned therewith ;
- (b) the names of the Police officers and lawyers arrested in connection therewith;
- (c) if any Member of the National Assembly is involved therein, and
- (d) the amount of money recovered, as at to date.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed that the Police are investigating on the cases reported by the victims of the Ponzi Schemes. In that connection, the Bank of Mauritius, the Financial Services Commission, the Financial Intelligence Unit, the Registrar of Companies, the Mauritius Revenue Authority and the Asset Recovery Unit of the Office of the Director of Public Prosecutions are collaborating with the Police by offering their expertise in their respective fields and assisting the Police in carrying out money trail and tracing out the money defrauded. I am also informed that the Independent Commission Against Corruption is also conducting an investigation into money laundering aspects of the reported cases under the Financial Intelligence and Anti-Money Laundering Act.

I must also point out, Mr Speaker, Sir, that following a meeting I had with hon. Mark Simons Minister for Africa, in the wake of Lady Thatcher's funeral on 17 April 2013, I approached the UK Government and they agreed to my request for an experienced Senior Forensic Accountant from the Serious Fraud Office to come to Mauritius to assist in the inquiry; not only to assist in the inquiry, but also to look at the whole method because today we are not in the 1970s; we have very sophisticated - as we have heard from the Opposition - methods that are being used by defaulters. So, I wanted him to make a report on all details including the Ponzi Schemes.

Following this request, Mr Mark Thompson, Head of Proceeds of Crime Division, Serious Fraud Office, London, undertook a mission to Mauritius in the course of which he had consultative working sessions with all the relevant agencies. I received him myself on the day I came back from Tokyo, that is, 08 June and he submitted his report on 28 June of this year.

He has made several recommendations, including, *inter alia*, the establishment - of what I have been saying for some time now - of one authority heading a multi-disciplinary team to tackle major economic crime. It should comprise investigators; it should also comprise lawyers, forensic accountants,

intelligence analysts and digital forensic skills. I am seriously giving consideration to these recommendations.

I should also add, Mr Speaker, Sir, that a team from the International Monetary Fund and the Reserve Bank of India visited Mauritius. I think the team from the Reserve Bank is still in Mauritius or they are about to leave. But they came for a system-wide review of the regulatory and supervisory framework to minimise, in fact, the risk of occurrence of such fraudulent practices.

In regard to part (b) of the question, I am informed that the Police have arrested 70 persons including 11 Police officers, one Attorney-at-Law and one Barrister-at-Law. 61 of them have been granted bail and the remaining nine have been remanded to custody.

In regard to part (c) of the question, I am informed that the enquiry, as at to date, has not revealed the involvement of any Member of the National Assembly.

Regarding part (d) of the question, I am informed by the Commissioner of Police that, as at 12 July 2013, 24,381,505.45 Mauritian Rupees, 8,200 Euros, 20 Australian Dollars, 100 Swiss Francs, 10 Pound Sterling and office cheques totalling Rs132,045,977.74 have been recovered and secured with the Bank of Mauritius.

**Mr Jhugroo:** Can I ask the hon. Prime Minister whether he is aware that there have been names of eminent personalities which have been erased from the list which was supposed to be secured by the Police in the course of the Police enquiry?

**The Prime Minister:** It is typical of the hon. Member! Mudslinging! Making false allegations! Absolutely false! And I stand by what I am saying. Absolutely false what you are saying!

*(Interruptions)*

**Mr Jugnauth:** When ICAC was investigating into an alleged case of corruption with regard to Mrs B. R. of Sunkai, there were five officers from ICAC who have invested in Sunkai. May I know from the hon. Prime Minister why is it that those five officers were initially suspended and I heard recently that they have just been reinstated in their post? How is it that there has been at the same time investigation with regard to that lady and the same officers now have been reinstated?

**Mr Speaker:** Yes, you have used the word “heard”. This amounts to a rumour. I don’t know whether the hon. Prime Minister will reply to rumours now.

**Mr Jugnauth:** No, I am informed.

**The Prime Minister:** Many false information are going through.

**Mr Speaker:** I am sorry! The hon. Member used the word “heard”. It is hearsay. I don’t know; it is for the Prime Minister to decide whether to answer!

**The Prime Minister:** Mr Speaker, Sir, it is hearsay. You have lots of false rumours circulating in this country.

*(Interruptions)*

No. It might have been said, but this, as I have said, I will look into it, but there are lots of rumours. I know that the enquiry is going on and that they are being very serious. I cannot see if there is allegation and they have investigated and they have found that there is nothing, I cannot say at this point, but I am not sure what the hon. Member is saying is true. I am not sure.

**Mr Speaker:** Hon. Leader of the Opposition!

**Mr Ganoo:** May I ask the hon. Prime Minister - and this is credible information that I have ...

*(Interruptions)*

**Mr Speaker:** I say silence! Give way, hon. Leader of the Opposition!

*(Interruptions)*

May I remind you that if you have the information what is the purpose of asking a question?

*(Interruptions)*

Let us listen to the hon. Leader of the Opposition.

**Mr Ganoo:** The purpose of my question is as a result of the credible information that I have to the effect that during the course of this week or past week, one of the promoters of these companies released to the Police about 2,000 files which the Police retrieved from that promoter. I will not say whether it was he or she, but from the promoter. And the question I am asking the hon. Prime Minister is whether the authorities have decided on a strategy, that is, if the Police is going to record statements from 2,000 people, when will this enquiry end? Or is it not wise for the authorities to strategise and prosecute those who are at the forefront of these scandals so that the money is collected as soon as possible and refunded to these poor Mauritians who have been lured into that trap?

**The Prime Minister:** In fact, Mr Speaker, Sir, this is what I said earlier on.

*(Interruptions)*

**Mr Speaker:** No interruption!



**The Prime Minister:** When I met this gentleman from the Serious Fraud Office, he had met everybody. In fact, one of his recommendations is precisely this that they should go for the big sharks. They don't wait to get all the statements from all these people, we will never end. In five years' time I will still be answering questions on these ...

*(Interruptions)*

But, this is what has been suggested, Mr Speaker, Sir.

*(Interruptions)*

**Mr Speaker:** Hon. Jhugroo!

**Mr Jhugroo:** Mr Speaker, Sir, being given that some of the ICAC officers have been involved in these Ponzi Schemes, can the hon. Prime Minister inform the House for what reasons only five officers of ICAC, from the Education and Prevention Section, have been arrested and the one from the Enquiry Department has not been arrested?

**The Prime Minister:** Mr Speaker, Sir, I will not go and enquire into this. The Police are doing the enquiry and I can assure the hon. Member this is why I have asked for help from the British Government for a senior, a leading fraud investigator to come to Mauritius. This is precisely because we do not want anybody to escape by any means, because we know how this country is sometimes also, X knows Y. We all know Mauritius is a small country. That is why I am doing this, Mr Speaker, Sir. It is precisely to prevent these kinds of things, these allegations.

**Mr Uteem:** Mr Speaker, Sir, the hon. Prime Minister just mentioned that there is only around Rs132 m. that has been secured so far and that is roughly similar to the figures advanced by the hon. Vice-Prime Minister a few weeks ago when he was asked a PNQ on that issue. So, may I know from the hon. Prime Minister how is it that when the victims are saying that there are more than Rs1 billion that have been defrauded there is, up to now, only Rs132 m. that has been recovered?

**The Prime Minister:** I would have thought the hon. Member would know. This is how a Ponzi Scheme works. You use the same money. This is the recirculation of the same money. This is the basis of a Ponzi Scheme.

**Mr Roopun:** All these cases have revealed the existence of lot of black money in circulation. Can the hon. Prime Minister inform the House whether measures are being taken to try to combat this whole issue and to see to it that all those monies return back in normal circulation?

**The Prime Minister:** In fact, this is being investigated, Mr Speaker, Sir.

**Mr Lesjongard:** Mr Speaker, Sir, in a previous reply by the Vice-Prime Minister, Minister of Finance and Economic Development, he stated that one Mr R. J. working at Whitedot International Consultancy Ltd. left the country prior to the case being reported to the Police. Does the hon. Prime Minister have information from the Police as to whether they have been able to trace that gentleman?

**The Prime Minister:** I know they are in the process of doing that, Mr Speaker, Sir.

**Mr Jugnauth:** Again, with regard to the five officers who have been suspended at ICAC, may I know if they have abided by the Declaration of Assets Act whereby they have declared their investment in this entity? If the hon. Prime Minister does not have the answer now, would he undertake to circulate the answer at a later stage?

**The Prime Minister:** I will certainly do that. But I must say they are bound to sign this Declaration of Asset form. If they have lied in that, they will pay the consequences.

**Mr Seeruttun:** M. le président, est-ce que l'honorable Premier ministre peut nous dire s'il est au courant qu'un membre de son Parti avait fait un dépôt de R 2.4 million le 20 décembre 2012 dans une des compagnies concernées avec le Ponzi Schemes qui est dirigée par Mme B. R.?

**The Prime Minister:** B.R.! I don't know who ...

*(Interruptions)*

But not a *dirigeant du parti*. She has been booted out of the Party. This is what you mean. I don't know which person you are ...

*(Interruptions)*

From my Party? No. I can tell you if we had that kind of money, you wouldn't have been here!

*(Interruptions)*

**Mr Speaker:** Next question! Hon. Dr. Sorefan!

#### **BEAU BASSIN/ROSE HILL - CCTV SYSTEMS**

**(No. B/683) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the procurement of Closed Circuit Television Surveillance Systems for Beau Bassin and Rose Hill, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the names of the bidders therefor, indicating -

- (a) if all the bids were responsive;

- (b) the respective bid value thereof, and
- (c) the name of the successful bidder therefor.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, on 30 April 2013, Police launched an open international bidding exercise for the supply, installation, testing and commissioning of CCTV Street Surveillance System at Beau Bassin, Rose Hill and Quatre Bornes.

On the closing date for the submission of bids on Thursday 20 June 2013 at 13.30 hours, twelve bids were received at the Central Procurement Board.

I am informed that, in accordance with section 37 of the Public Procurement Act, the Central Procurement Board is currently evaluating the bids received.

Therefore, parts (a), (b) and (c) of the question do not arise.

**Dr. Sorefan:** Mr Speaker, Sir, is the hon. Prime Minister aware that one of the bidders who is an ex-Police Officer and a Director of a company who has caused many problems regarding speed cameras is putting pressure on the Police Quarters to be allocated this tender, although it is not the lowest, does not satisfy the specification with regard to five years' experience in CCTV Street Surveillance System and has never embarked in a project involving a minimum of 50 CCTV Street Surveillance Cameras as stipulated in the specification?

**The Prime Minister:** Mr Speaker, Sir, I can't understand how the hon. Member seems to know everything that I don't, from what happens in the Central Procurement Board. This is their responsibility. If the hon. Member feels there is something, he should go and make a statement to the Police.

*(Interruptions)*

He can't come here and just make allegations like these. If he has something, he should go and tell the Police.

*(Interruptions)*

**Mr Speaker:** Next question!

*(Interruptions)*

Next question, I said! Yes, hon. Li Kwong Wing!

**Mr Li Kwong Wing:** Mr Speaker, Sir, the region of Beau Bassin/Rose Hill is maybe the place where you have the highest number of Ministers and MPs. With regard to the...

*(Interruptions)*

**Mr Speaker:** I say silence, now!

**Mr Li Kwong Wing:** With regard to the operation of CCTV cameras in this region, is the hon. Prime Minister aware that one of the main problems is the exorbitant rate at which MT is charging for the connection or the transmission of data from the cameras to the Central Control Office?

**The Prime Minister:** Yes. I am aware. In fact, I have mentioned this to the CEO of Mauritius Telecom that the fees seem to be heavy and they are looking into it.

**Mr Speaker:** Next question! Hon. Fakeemeeah!

### **TRUTH AND JUSTICE COMMISSION REPORT – MEASURES**

**(No. B/684) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, following the publication of the Report of the Truth and Justice Commission, he will state the measures taken, if any, for the families who had been deprived of their lands to be reinstated possession thereof, in each case.

**The Prime Minister:** Mr Speaker, Sir, let me first of all remind the hon. Member that it was this Government which decided to set up the Truth and Justice Commission. The commitment was in our electoral manifesto and Government Programme 2005-2010, where it was stated that we need to confront our past in order to have proper reconciliation. The people of this country, I said, cannot bury an important part of its history, as this is part of the process of nation-building. While we have a duty to unravel the truth, we also need to address issues pertaining to historical grievances.

I introduced the Truth and Justice Commission Bill in the House in August 2008 and in March 2009, the Truth and Justice Commission was set up.

The Commission submitted its report in November 2011 and in December of the same year Government has set up a High Powered Committee, chaired by the Vice-Prime Minister, Minister of Finance and Economic Development and comprising 11 Ministers, to look into the implementation of the recommendations of the Truth and Justice Commission. The inclusion of 11 Ministers in the Committee is necessary as the recommendations of the Commission cut across many different sectors.

As the implications of the implementation of all the recommendations of the Truth and Justice Commission would require an enormous budget, the Committee recommended that such implementation be made in a phased manner starting with the recommendations that would generate quick wins. As such, 19 recommendations have been identified and are at different stages of implementation by different Ministries.

In February 2013, a Coordination Team was set up to coordinate and monitor closely the implementation of these recommendations.

Government has also decided, Mr Speaker, Sir, in February of this year to set up a Land Research and Mediation Commission to look into cases of dispossession of land as mentioned in the Report. The Commission would comprise an officer from the Registrar General's Department, a Law Officer and a Land Surveyor. The Land Research and Mediation Commission has been mandated to -

- (i) carry out an in-depth investigation into such cases as mentioned in the report of the Truth and Justice Commission and any other similar cases referred to it by the High Powered Committee;
- (ii) assist the applicants to retrieve all necessary documents, including title deeds, plans and Civil Status documents and in collaboration with other appropriate institutions, to draw up genealogical trees;
- (iii) provide within established limits, assistance to claimants as regards land surveys or other necessary actions;
- (iv) advise the applicant, after thorough investigation and enquiry, on his claim and any other relevant issues, and
- (v) act as mediator and promote amicable settlements.

The Officer of the Registrar General's Department and the Land Surveyor have already been identified. Action is being initiated to recruit a Law Officer. Thereafter, the Commission will become operational.

**Mr Fakeemeeah:** Is the hon. Prime Minister aware of the delaying tactics used by the sugar barons by opting for lengthy and indefinite court procedures to discourage these poor families who have been deprived of their lands? I would like to know what the hon. Prime Minister proposes to.

**The Prime Minister:** This is why I suggested, Mr Speaker, Sir, that we agree that we will have this new Commission that I have just mentioned and, as I said, this Commission will comprise this Land Research and Mediation Commission which we are putting up precisely for this reason so that we can accelerate matters.

**Mr Fakeemeeah:** Will the hon. Prime Minister be agreeable to the setting up of a Fund from sugar revenue and diversified activities of the sugar barons in hotels and IRS to prepare for compensation of these poor families?

**The Prime Minister:** Let us see when the Committee will come up with the recommendations, Mr Speaker, Sir.

**Mr Ganoo:** The hon. Prime Minister mentioned that the Truth and Justice Commission was set up by his Government. True it is but, Mr Speaker, Sir, may I remind that the previous Government also set up a Commission chaired by Former Justice Mr Glover to look into cases of people who have been dispossessed of their lands in the course of the recent decades. May I ask the hon. Prime Minister whether the High Powered Committee chaired by the hon. Vice-Prime Minister and Minister of Finance recommended that any amendment be brought to our Civil Code or to our statutes in order to facilitate the re-possession of the land by parties who are claiming that they have been dispossessed of their property?

**The Prime Minister:** First of all, let me say, if the hon. Leader of the Opposition says they did set up a commission, I don't know what it was called, but with no results, I might add. But let me say this, Mr Speaker, Sir, the High Powered Committee, as I explained, with also what we have done to make matters go quickly, there has been a coordination team which has been set up, in fact, to coordinate and monitor closely the implications of all these recommendations and to ensure also that these recommendations take place.

**Mr Lesjongard:** Mr Speaker, Sir, from his reply the hon. Prime Minister stated that cases with regard to land problems are referred to the High Powered Committee and then studied at that level and referred to the Land Commission. May we know how many cases have been referred by that High Powered Committee to the Land Commission?

**The Prime Minister:** The hon. Member got it all wrong. This is not what I said because the Truth and Justice Commission is not just looking at the land issue, it is looking at every other issue that pertains to that, Mr Speaker, Sir. But, as I explained, this will require an enormous budget and, therefore, what we have decided is we have to go a bit as what the hon. Leader of the Opposition said, to prioritise and go for things that we can do quickly as well, but which should also be important. I think there are about 25; I said 19 recommendations have been identified. Then, we have put up a coordination team precisely to ensure that there is a proper monitoring and that is why we decided after that there has to be a Land Research and Mediation Commission to look in all the cases of this dispossession of land as mentioned in the report, not selective, all the cases.

**Mr Baloomoody:** Mr Speaker, Sir, the hon. Prime Minister just mentioned that certain specific cases have been identified which will be referred to that Land Commission. Can I ask the hon. Prime Minister what action is being taken to ensure that those who are in possession of these lands and who pretend to be the owners of those lands do not dispose of the land in question?

**The Prime Minister:** That is being looked into. Let me explain again, Mr Speaker, Sir. The Commission for Land is looking at the land, but the other issues are also being looked at, not just land.

**Mr Roopun:** Concerning a body set up to enquire prescription of land, can we know if a report has been filed and where matters stand as regards this issue?

**The Prime Minister:** This is still ongoing, Mr Speaker, Sir. It is a huge task as the hon. Member would surely appreciate. This is still ongoing.

**Mr Obeeegadoo:** Mr Speaker, Sir, I think one of the key recommendations was this Land Research Monitoring Unit. Now it is nearly two years since the Commission made public its recommendations and reports. We have had committees and committees telling us what we should do first, what are the quick wins, but this Commission is still not operational. So, can the hon. Prime Minister tell us why it has taken so much time and when, for sure, this Land Research and Mediation Commission will come into operation?

**The Prime Minister:** I can't help but smile when I see the hon. Member say things like this. He has done nothing!

*(Interruptions)*

He has been in Government! He has done nothing!

*(Interruptions)*

Now he wants us to accelerate. It has to be done properly, Mr Speaker, Sir. We don't want to have cases in Court and then delaying everything as hon. Fakeemeeah has said earlier, but that is what we are doing. We are, in fact, progressing while the hon. Member when he was in Government didn't do anything.

*(Interruptions)*

**Mr Lesjongard:** When the hon. Prime Minister replied that all cases will be referred to the Land Commission, doesn't he feel that Government is raising expectation in the population with regard to land dispossession and that Government might not be able to deliver at the end of the day?

**The Prime Minister:** The hon. Member is saying now we should not do it. I take note. The hon. Member is saying that we should not do it now. Close it and leave it as it is!

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Fakeemeeah:** Can I ask the hon. Prime Minister to look personally into the issue of one poor family who has been deprived of his land from Médine Sugar Estate?

**Mr Speaker:** Please, no interruption!

**The Prime Minister:** There are many such cases from different estates, but as I said everything is being looked at, including that person that the hon. Member is mentioning.

#### **ILE AUX CERFS – INCIDENT**

**(No. B/685) 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 he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a case of alleged assault perpetrated by bouncers at Ile aux Cerfs, allegedly on behalf of the management of the Touessrok Hotel, on Sunday 7 July 2013, has been reported and, if so, indicate

—

- (a) the number of persons, if any
  - (i) injured and
  - (ii) arrested in connection therewith, and
- (b) if statements have been taken from the General Manager of the said hotel, in connection therewith.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I shall reply to Parliamentary Questions B/685 and B/688 together as they relate to the same matter.

I am informed, Mr Speaker, Sir, by the Commissioner of Police that on Sunday 07 July 2013 at 15 45 hrs, following a telephone call received at Trou d'Eau Douce Police Station to the effect that there was an incident at Pointe Vacoas, Ile aux Cerfs, a team of three officers of Ile aux Cerfs National Coast Guard Post proceeded to the site. When they reached there, the incident was over and they were informed by the people who were on the islet that three members of a same family, had been injured and had been conveyed to Flacq Hospital. The Officers reported the matter to Trou d'Eau Douce Police Station.

Police launched an operation with a view to tracing out the persons who had been involved in the incident as information had been obtained on the vehicle in which they were travelling. At about 16 00 hrs, the vehicle was signalled to stop at Royal Road Bel Air by Officers of Bel Air Rivière Sèche Police Station, but the driver failed to do so. At about 16.10 hrs, the officers of the Divisional Support Unit of Moka intercepted the vehicle at Melrose. There were seven occupants in the vehicle. The vehicle was searched and three pieces of wood each of two metres length and diameter five centimetres were secured.



The seven persons, of whom one waiter of Touessrok Hotel, one Security Officer of Touessrok Hotel, one draughtman, one painter, two stonemasons and one unemployed, were arrested and brought to Quartier Militaire Police Station for enquiry. They have been provisionally charged for the offence of “Bearing Offensive Weapon” before Moka Court on 08 July 2013. Five of them have been released on bail upon furnishing a surety of Rs2,500 and entering a recognizance of Rs10,000. Police objected to the release on bail of the other two persons as they have previous convictions. Both of them have been remanded to Police cell up to 15 July 2013 where they applied again for release on bail.

On the same day, at 19.00 hrs one Mr J. U. D gave a statement to Trou d’Eau Douce Police Station in which he stated that, earlier that day, at about 15.30 hrs, he was working at Ile aux Cerfs in company of two members of his family Mr K. D. and Mrs D. D. when they were assaulted with sabre by a group of unknown persons. They were conveyed to Flacq Hospital for treatment. Mr J. U. D. and Mrs D. D. were allowed to leave hospital after treatment whilst Mr K. D. was admitted. The latter was discharged on 10 July 2013.

On the same day at about 20.15 hrs one Mr J. D. gave a statement to Trou d’Eau Douce Police Station to the effect that about 15.30 hrs on that day he was working at Ile aux Cerfs when some 20 persons, among whom he recognised the Chief Security Officer of Touessrok Hotel, threatened to hurt him. The group then left Ile aux Cerfs on boat.

Mr Speaker, Sir, on that very day at about 15.45 hrs, a Police Sergeant posted at Trou d’Eau Douce Police Station attended to another case at Touessrok Hotel following a call from the Operations Room of the Eastern Division. There, the Police Officer was informed of an incident which had happened earlier in one of the restaurants of the hotel whereby the Resident Manager of the hotel had been assaulted by unknown persons who also damaged furniture and other items in the restaurant. The Police Officer took a statement from the Assistant Restaurant Manager.

On 11 July 2013, the Resident Manager of Touessrok Hotel gave a statement to the Police wherein he related the incident which happened at the hotel on 07 July 2013. He, however, stated that he could not identify the persons involved in the incident.

Police enquiry in all the cases reported is proceeding. Upon completion of the enquiry, the case files will be referred to the Director of Public Prosecutions for advice.

**Mr Bhagwan:** Can I know from the hon. Prime Minister whether he agrees that what has happened at Ile aux Cerfs and Touessrok does not give a good image on our tourism industry. Will Government urgently set up a Ministerial committee or a committee of officials to find an overall solution

to the problems at Ile aux Cerfs, not only the ecological problems, the problems of the operators, but also the problems linked with the tourism industry?

**The Prime Minister:** My understanding is that, in fact, the Ministry's point of view has been assisting in this and I think they are finding a solution to that.

**Mr Bhagwan:** Can I know from the hon. Prime Minister whether from the enquiry it has been found out that bouncers were recruited by the hotel management itself and they were arrested?

**The Prime Minister:** In fact, Mr Speaker, Sir, so far the enquiry is proceeding in that way, but it appears to be truthful what the hon. Member is saying. I say it appears, but I would like the enquiry to finish to know. I also want to say that when I mentioned that the Police apprehended, but failed to stop, I hope people realise that the Police have a right to shoot if they don't stop when they are asked to stop.

*(Interruptions)*

**Mr Bhagwan:** *Assizer mwa?*

**Mr Speaker:** Hon. Bhagwan yes!

**Mr Bhagwan:** *Twa to assizer, mwa mo pa assizer mwa et mo pa pran lordre pou assizer.*

**Mr Speaker:** Hon. Bhagwan!

*(Interruptions)*

**Mr Bhagwan:** *Mo pa pran lordre, twa to pran lordre!* Can I know from the hon. Prime Minister – I come to my first question - whether Government has set up a time frame; whether it has been discussed at Government level that a committee presided by the Minister of Foreign Affairs with other Ministers is being set up to find a rapid solution to the problem, including the management of Touessrok?

**The Prime Minister:** In fact, from my understanding, they also talked to the management of Touessrok and I am told an agreement is practically ready to find a solution to that.

**Mr Speaker:** Time is up! Questions addressed to hon. Ministers. Hon. Mrs Hanoomanjee!

#### **MSPA/GOVERNMENT - 2000 ACRES SCHEME**

**(No. B/693) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Agro-Industry and Food Security, Attorney General whether, in regard to the 2000 Acres Scheme agreed upon between Government and the Mauritius Sugar Producers Association, he will state the number of acres of land which are already in the possession of Government, indicating the projects for which use thereof has been made.

**Mr Faugoo:** Mr Speaker, Sir, the Agreement between the Government of Mauritius and Mauritius Sugar Producers Association (MSPA) of April 2008 provides for release, by the MSPA, in favour of the Government, of 2000 Arpents of sugar cane lands over a ten (10) year period till December 2017.

The 2000 *arpents* will be released across various regions in Mauritius and will be utilised as follows -

- 1200 Arpents will be vested in the Ministry of Agro-Industry & Food Security which will be leased to farmers associations and cooperatives for food crop production with emphasis on strategic crops like potato, onions, garlic and fruits as well as livestock production projects related to dairy cattle, goats and pigs;
- 800 Arpents to be vested in the Ministry of Housing and Lands for the housing and other social infrastructure projects.

As at July 2013, the total extent acquired for both agricultural and housing and other projects stands at 588 *arpents* and deed of sale is being finalised for an additional extent of 288 *arpents*.

For the remaining extent of 1124 *arpents*, the sites have already been earmarked by the MSPA and are being assessed for their suitability.

**Mrs Hanoomanjee:** Mr Speaker, Sir, in the recent SIE Bill which was in front of this House, the Minister showed his eagerness to put all agricultural land to full use. Can the minister say whether, in these circumstances, he proposes to ask for a review of that agreement so that all agricultural land be given to Government before 2017?

**Mr Faugoo:** This can be envisaged, Mr Speaker, Sir, but it depends on the MSPA; we have to negotiate again.

**Mrs Hanoomanjee:** So, can I take it from the hon. Minister that the 2000 *arpents* of land, which will be given to Government or which is actually in the process of Government taking over, is agricultural land. So how can the Minister reconcile the fact that some part of this agricultural land will be put for other social uses, while he stated himself that he badly needs land for agricultural purposes.

**Mr Faugoo:** Initially, Mr Speaker, Sir, it was decided that, out of the 2000 *arpents*, 1000 will go for agricultural purposes and the other 1000 will go for housing and other infrastructural projects. But then when the requirement of housing was defined in a better way, they found that they would be needing only 800 *arpents*. So the 200 in excess from the housing has been given for agricultural purposes.

**Mrs Hanoomanjee:** That is why, Mr Speaker, Sir, I am insisting on this because when the SIE Bill came to this House, the Minister, himself, said that he is not giving land conversion to small planters because he needs agricultural land. Can I ask the Minister whether those farmers associations and those cooperatives which have been given land already, whether as one of the criteria, they should have had a certain number of years of experience in agricultural activities or whether land was granted just as they formed their associations?

**Mr Faugoo:** It was one of the criteria that they should have experience in the field.

**Mrs Hanoomanjee:** Can the hon. Minister take a commitment to circulate to this House...

**Mr Speaker:** Put a question, please! No commitment! Question!

**Mrs Hanoomanjee:** No, it is question, Mr Speaker, Sir.

**Mr Speaker:** Look, I have ruled! You have to put a question! You cannot ask for a commitment from a Minister! Question!

**Mrs Hanoomanjee:** I asked him!

**Mr Speaker:** Yes.

**Mrs Hanoomanjee:** Can I ask the hon. Minister whether he will circulate to this House a list of all those who have been given land already together with the criteria on which they have been given land?

**Mr Faugoo:** The list will be compiled in the first place, and I have no problem in tabling same, Mr Speaker, Sir.

**Mr Seeruttun:** M. le président, est-ce que l'honorable ministre peut nous dire quelle est la superficie des terres déjà allouée sous le *Food Security Fund* aux gens qui veulent cultiver des légumes et des plantes?

**Mr Faugoo:** 356 acres.

**Mr Jugnauth:** Can I know from the hon. Minister, with regard to that question, what are the criteria...

*(Interruptions)*

**Mr Speaker:** Silence, please!

**Mr Jugnauth:**...that have been used in order to allocate plots of land to those small planters?

**Mr Faugoo:** There is a committee which has been set up, Mr Speaker, Sir, which examines all applications. As I said, there was an Expression of Interest which was widely publicised in the press.

There were about 300 applications, and we are taking from there. It was region-wise all over Mauritius, and the criteria in place for selection are profile of the promoters. As I just said, they should have experience in the field, nature of the proposed activities, experience in proposed area of activity, relevance and feasibility of project proposals, proximity to project area, degree of innovation and modernisation, and capacity to contribute financially.

**Mrs Hanoomanjee:** Can I ask the hon. Minister who chaired that committee and who are those who sat on this committee?

**Mr Faugoo:** The committee is chaired by the Deputy Permanent Secretary, who is responsible for this area, and is comprised of the Deputy Chief Agricultural Officer, the Divisional Scientific Officer of the Land Use Division, the Principal Extension Officer of AREU, and also the Project Coordinator of MSPA Land Scheme.

**Mr Ameer Meea:** Mr Speaker, Sir, the 2000 Acres Scheme has been set up some three to four years back. The hon. Minister just stated that 800 acres of land have been identified for social housing. Therefore, can I ask the hon. Minister how many social housing projects have materialised since the setting up of this scheme?

**Mr Faugoo:** This question be better addressed to the Minister of Housing and Lands.

**Mr Jhugroo:** Can I ask the hon. Minister whether he will consider circulating a list of all the planters who have benefitted out of the 354 acres of land?

**Mr Faugoo:** I have already answered, Mr Speaker, Sir.

**Mr Seeruttun:** M. le président, dans sa réponse, l'honorable ministre a dit qu'il y a 350 arpents qui ont été alloués aux petits planteurs. Est-ce qu'il est au courant qu'il y a une bonne partie de ces terres allouées qui sont à l'abandon, donc pas cultivées? Quel mécanisme a-t-il mis en place pour s'assurer que ces terres sont bien utilisées?

**Mr Faugoo:** This is so, Mr Speaker, Sir, and there is a Monitoring Committee on the use of the land. We have, out of 48, retrieved 11 allocations.

**Mr Jugnauth:** Can I know from the hon. Minister when was this Expression of Interest advertised, for how long was it advertised, and how was it advertised also; whether it was in the papers?

**Mr Faugoo:** It was in the newspapers. I don't know how many newspapers and how many days, but it was back in 2009, Mr Speaker, Sir.

**Mrs Hanoomanjee:** Can the hon. Minister say whether land which has been reserved for housing purposes is first-class agricultural land?

**Mr Faugoo:** Mr Speaker, Sir, for agricultural purposes, we strive to get first-class agricultural land because that will be in the best interest of the farmers. The MSPA strives to give the most marginal land that they can offer; we have to meet somewhere. As far as housing is concerned, they have done a mapping, where the requirement is for the land. They are going according to the requirement.

### **CANCER – PROFESSOR DAVID KHAYAT – DISCUSSIONS**

**(No. B/694) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Health and Quality of Life whether, in regard to cancer, he will state when discussions were held in relation thereto with Professor D. K., in Paris, indicating –

- (a) who participated therein, and
- (b) the outcome thereof.

**Mr Bundhoo:** Mr Speaker, Sir, on 01 and 18 June 2013, in my replies to PQs B/512 and B/422, respectively, I informed the House that after having attended the 66<sup>th</sup> World Health Assembly meeting in May 2013, I proceeded to Paris and, on 28 of May, I met, *inter alia*, Professor David Khayat, Professor of Oncology of Pierre and Marie Curie University.

*(Interruptions)*

**Mr Speaker:** I say order now!

**Mr Bundhoo:** Professor Khayat is also the Head of the Department of Medical Oncology of the *Groupe Hospitalier Pitié-Salpêtrière*, Paris, France.

With regard to part (a) of the question, the following persons attended the meeting: myself, as Minister of Health and Quality of Life, and I was accompanied by Dr. K. Pauvaday, Acting Director General Health Services and Mr P. Purmanund, Second Secretary of our Embassy in Paris.

The French side was represented by the following –

- ☐ Professeur David Khayat, *Chef de Service*;
- ☐ Professeur Jean-Philippe Spano, *Professeur des Universités Paris VI & Praticien Hospitalier en Oncologie Médicale*;
- ☐ Professeur Véronique Leblond, *Professeur des Universités & Praticien Hospitalier, Chef de Service, Chef de Pôle ORPHé*;
- ☐ Mr Alban Amselli, *Directeur, Direction des Affaires Economiques et Logistiques*;

- ☐ Ms Gisèle Hoarau, *Cadre Supérieur de Santé, Coordonateur Paramédical du Pôle ORPHÉ*,  
and
- ☐ Ms France Bovet, *Directrice de Communication*.

Mr Speaker, Sir, with regard to part (b) of the question, on our return to Mauritius, and following several exchange of correspondence between Professor David Khayat and the Acting Director General Health Services, Prof. Khayat, in an e-mail dated 04 July 2013, has confirmed that he will come to Mauritius during the period of 10 to 13 October 2013 to assess the situation, and to make recommendations on the actions that could be taken in order to upgrade cancer care in Mauritius.

During his scheduled visit, a programme will be worked out. The programme will include –

- (i) discussions with relevant stakeholders;
- (ii) a visit to the Radiotherapy and Oncology Centre at Victoria Hospital;
- (iii) a lecture to update our personnel on the latest advances in cancer management, and
- (iv) a courtesy call on the hon. Prime Minister.

Mr Speaker, Sir, I further wish to point out that, during discussions, emphasis has also been laid on the need for capacity building and, as such, Professor David Khayat is looking into the possibility of offering training to at least two of our local Radiotherapists/Oncologists in his Centre.

**Mrs Hanoomanjee:** Can I ask the hon. Minister, *en prévision de la visite du Professeur Khayat*, whether any terms of reference have already been prepared and, if so, will he inform the House thereon?

**Mr Bundhoo:** Yes, Mr Speaker, Sir. In fact, Dr. Manraj and other of our eminent doctors with regard to cancer and those related fields are already in contact with Dr. Khayat. We are, in fact, preparing a Memorandum of Understanding which has to be finalised through the State Law Office and the Minister of External Affairs. When he comes to Mauritius, he will have a look at it, and then probably we will sign this Memorandum of Understanding and also decide on the way forward.

**Mrs Hanoomanjee:** Can the hon. Minister say whether, when Professor Khayat will be in Mauritius, he will have a Mauritian counterpart attached to him, and who will be that Mauritian counterpart? Because there will need to be a certain follow-up of his action.

**Mr Bundhoo:** As far as I understand, it is Dr. Mohit.

**Mrs Hanoomanjee:** If I got the hon. Minister right, he said that the visit will be purely restricted to breast cancer or will it cover the whole programme? And, if so, has Professor Khayat been briefed that

already there is a plan of action which has been worked out for cancer in general, and can he say why this plan of action has not worked out properly up to now?

**Mr Bundhoo:** Mr Speaker, Sir, the question of the hon. Member is not pertaining to the main question asked. But, nonetheless, I can assure the hon. Member that all documentations, all information and all statistics with regard to cancer and all types of cancers, if I am not mistaken, have already been transmitted to Prof. Khayat and he will have a look at them. There are ongoing discussions between a team of our specialists and Prof. Khayat and his team. With regard to the Plan of Action for Breast Cancer, some of the measures are being implemented and we shall continue to do that.

**Mrs Hanoomanjee:** I will just insist on one last question, Mr Speaker, Sir. I did not say that the plan of action was on breast cancer. The plan of action is on cancer in general and, I think, if we are having an eminent Professor coming to Mauritius, he should be briefed properly on why this plan of action has not worked out and that we have recourse to him.

**Mr Bundhoo:** Mr Speaker, Sir, I have already explained to the hon. Member, we have three doctors. I do not have the names in mind, but they are already corresponding with Prof. Khayat and his team. All information, including our plan of action, our strategy and everything has already been submitted for the benefit of Prof. Khayat.

**Mr Speaker:** Hon. Members, I have to announce that the Table has been advised that Parliamentary Question Nos. B/710, B/711 and A/244 have been withdrawn. This is a proper time to break, we suspend for one and a half hours.

*At 1.04 p.m. the sitting was suspended.*

*On resuming at 2.40 p.m. with the Deputy Speaker in the Chair*

### **BAMBOUS “A” GOVERNMENT SCHOOL - UPGRADING**

**(No. B/695) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Minister of Education and Human Resources whether, in regard to the Bambous “A” Government School, located in Bambous, in Constituency No.14, he will state if there is any project for the upgrading thereof and, if so, indicate –

- (a) if tender has been launched therefor, and
- (b) the expected start and completion dates thereof.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, in regard to part (a) of the question, Bambous “A” Government School is among the old primary schools earmarked for the primary school renewal project which consists in the demolition of old classroom blocks and the construction of new ones. The project at



Bambous “A” initially consisted in the demolition of three old blocks and the construction of two new blocks.

The bidding documents were ready for launching of tenders. However, after receiving further representations from the PTA complaining of the bad condition prevailing in the toilet block and acute space constraint in the school, my Ministry is having further consultations with the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping and the Wastewater Management Authority with a view to creating more space to be used as play area within the school premises.

In this context, my Ministry is also proceeding with the demolition of the present toilet block and the construction of a new one on vertical extension. In so doing, the school will not only benefit from the new toilet block with additional number of cubicles but will also have additional play area. However, this will entail further amendments to the scope of works and the necessary is being done in that direction.

Insofar as part (b) of the question is concerned, once the new scope of works is finalised, which we are expecting very shortly, necessary amendments will be made to the bidding documents and it is expected that tenders may be launched by the end of September next.

Works can only start after award of contract and are expected to be of one year duration.

**Mrs Radegonde-Haines:** Mr Deputy Speaker, Sir, since the project might start in September and will be completed in one year’s duration, can the hon. Minister tell us whether arrangement has been made for the children of Bambous not to be penalised during the one year?

**Dr. Bunwaree:** Yes, the Ministry has the habit of doing such types of work. Of course, the children will not be penalised. We are discussing with the PTA; we are in constant discussion with them and also the *forces vives* of the area to be able to get the children in a safe place during the course of the construction period.

**Mrs Radegonde-Haines:** May I know from the hon. Minister where will the children be transferred during the one year construction of the school?

**Dr. Bunwaree:** I have said we are negotiating with the PTA and we have not taken a final decision yet.

### **KNOWLEDGE BASED TRAINING CENTRE - MASSAGE INSTRUCTOR - ALLEGED MALPRACTICES**

(No. B/696) **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, indicate the -

- (a) outcome thereof, and
- (b) actions taken, if any, in relation thereto.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, I am informed by the Mauritius Institute of Training and Development (MITD) that following complaints received in July and August 2012 against a former Instructor (Beauty Care) by former trainees of Hair Dressing and Beauty Care section of the MITD Knowledge Based Training Centre (KBTC) regarding alleged malpractices, an enquiry was conducted by the MITD at the request of my Ministry.

It is to be noted, Mr Deputy Speaker, Sir, that according to information obtained from MITD, a preliminary enquiry did not establish any malpractice. However, my Ministry, upon receipt of several complaints, requested the MITD to investigate again into the matter.

In this connection, the MITD accordingly appointed an Internal Enquiry Committee comprising three Divisional Managers of the MITD. The Committee was mandated to investigate into the allegation of these ex-trainees and to make necessary recommendations.

Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed by the MITD that the main outcome of the Enquiry Committee as well as the recommendations are as follows -

### **Outcome/Recommendations**

#### **Outcome**

- (i) The trainees who were interviewed by the Committee had maintained their allegations against the Instructor concerning harassment towards them and her absence from classes.
- (ii) They have also maintained allegations with regard to favoritism to acquaintances.
- (iii) According to the Training Centre Manager, some of the allegations could be founded.

Moreover, the Report mentions a number of shortcomings/malpractices in the management of that section and makes the following recommendations -

#### **Recommendations**

- (i) The Instructor should be reminded about her responsibilities in the submission of Weekly Plan and Progress Reports.

- (ii) The Instructor should be warned that she should be in her classes as per the time table that has been worked out.
- (iii) A proper procurement plan should be worked out for these courses and regularly monitored and updated.
- (iv) Access should be controlled in the Beauty Care and Massage Therapy Sections and properly recorded.
- (v) Proper control should be exercised at the level of purchasing of items so as to ensure that no unauthorised person makes use of same.
- (vi) Strict compliance should be ensured with respect to all established procedures concerning delivery/monitoring of training, purchase, Human Resources and stock control.

Mr Deputy Speaker, Sir, as regards part (b) of the question, I am informed that the MITD Board has, at its meeting held on 7 June 2013, and after taking cognizance of the outcome of the report of the Internal Enquiry Committee, decided to terminate the employment of the Instructor with immediate effect in line with the provision of her contract.

Furthermore, the MITD Board has decided that the Internal Auditor of the MITD would carry out a full-fledged audit with regard to procurement and control mechanism on training materials purchased including access control at the Knowledge Based Training Centre. The report of the Internal Auditor is being finalised at the level of the MITD.

Corrective action as appropriate is being taken on the recommendations of the Enquiry Committee. Further action will be envisaged in the light of the recommendations of the Internal Auditor.

**Mr Jhugroo:** Can the hon. Minister inform the House who gave the instructions to set up a panel comprising of Mr M. S., the Ag. Divisional Manager of the MITD and Mr S. C., the Assistant Procurement Manager to interview Mrs D for the post of massage instructor, a post which was not advertised?

**Dr. Bunwaree:** The hon. Member is talking of the recruitment of that person. I am informed that everything went according to procedures and I don't know who gave the instruction. I can't answer this question.

**Mr Seeruttun:** M. le président, est-ce que l'honorable ministre est au courant que cette dame, Madame D n'a pas les qualifications nécessaires pour ce poste de *massage instructor* et qu'elle a juste un certificat d'*attenance* dont la MQA avait trouvé que ce n'était pas un certificat reconnu? Donc, qui a permis à cette dame d'être recrutée?

**Dr. Bunwaree:** Ce n'est pas l'information que j'ai. Au contraire, dans le dossier que j'ai eu l'occasion de voir, elle paraissait hautement qualifiée, mais seulement...

*(Interruptions)*

Pas les qualifications, selon les recommandations où elle avait travaillé avant, etc. Il y avait des recommandations très fortes en sa faveur, je dois dire, mais la MQA a donné son accord pour que la personne puisse être embauchée, mais récemment il y a quelque chose qui existe concernant ces recommandations de la MQA. Elles ont une durée de temps et ce temps a expiré au mois de février et à la suite de cela, la personne n'a pas refait de demande de recommandation. Donc, c'est une des raisons pourquoi le contrat a été résilié.

**Mr Uteem:** May I know from the hon. Minister whether the outcome of the inquiry has been referred to any legal advisers and whether the internal inquiry has revealed any potential criminal offences that might have been committed?

**Dr. Bunwaree:** This is being looked into. We are waiting for the internal audit report as I have said and this is still under investigation I must say, but the legal adviser of the MITD is the State Law Office.

**Mr Jhugroo:** Is the hon. Minister aware that Mrs M. D. has only a Certificate of Attendance in Beauty Therapy where the MQA in year 2009 found her not eligible to be a trainer in beauty care and massage?

**Dr. Bunwaree:** I don't know what the hon. Member is, in fact, stating, but the information that I have is that the MQA was aware of that lady working over there and, in fact, it is the MQA itself which has not renewed the contract because the renewal was not asked for. The MQA drew our attention to the fact that that contract has a certain duration and at the end of that contract there has been no request for renewal and therefore that lady could not continue to work.

**Mr Jugnauth:** Will the hon. Minister table the qualifications of that massage instructor together with the two reports: one that has been done by the MITD and the other by his Ministry?

**Dr. Bunwaree:** For the reports, I'll have to ask the MITD to look into that, but for the qualifications, I have no quarrel at all. All the qualifications, whether academic or non academic, will be tabled.

*(Interruptions)*

**Mrs Ribot:** Mr Deputy Speaker, Sir, I would like to know ...

*(Interruptions)*

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

**Mrs Ribot:** I would like to know from the hon. Minister whether he is aware that the MQA at a certain time carried out an enquiry on the very contents of the courses being delivered by the said instructor and, if yes, the outcome thereof.

**Dr. Bunwaree:** Yes, the MQA did; because the ex-trainees also sent a copy of their complaints to the MQA and then the MQA did an investigation. In fact, it is at the end of this investigation that we were informed that the duration of the recommendation that was given to her to work had lapsed.

**Mr Jhugroo:** Is the hon. Minister aware that the massage instructor had, on several occasions, forced some young male students to massage her while being topless and partially covered *et parfois faire des épilations à la cire en guise d'exercice d'évaluation*.

*(Interruptions)*

**The Deputy Speaker:** I am sorry! Next question, hon. Jugnauth!

*(Interruptions)*

Order, please! Order!

*(Interruptions)*

I want some order in the House! Next question, hon. Jugnauth!

**Mr Jugnauth:** Will the hon. Minister...

*(Interruptions)*

**The Deputy Speaker:** I want some silence in the House, please!

**Mr Jugnauth:** Will the hon. Minister say whether the enquiry has revealed any implications of minors and, if so, whether the matter has been reported to the CDU for any investigation?

**Dr. Bunwaree:** No. I don't have this information as such, but I will look into the matter.

**Mr Seeruttun:** Dans sa réponse plus tôt, le ministre a dit qu'il y avait des fortes recommandations, autre que les qualifications comme critères pour le recrutement de cette dame. Peut-il nous dire de qui proviennent ces recommandations?

**Dr. Bunwaree:** But I have just mentioned, when the question was put to me by hon. Jugnauth that I am going to lay copy of all the recommendations and qualifications of that lady.

**Mr Jugnauth:** In the course of his answer, I heard the hon. Minister saying that there has been the case of procurement of items. Is he...

*(Interruptions)*

**The Deputy Speaker:** I don't want any hon. Member to make any remarks from a sitting position!

*(Interruptions)*

From both sides, of course!

**Mr Jugnauth:** Is he, therefore, aware that there have been allegations of misappropriations with regard to the procurement of items and if the enquiry has also looked into that aspect?

**Dr. Bunwaree:** Yes, the enquiry has looked into that aspect and this is one of the reasons why there is an internal audit. The Board has decided that there will be another enquiry by the internal audit and that is being finalised. I think it is ready already and it has been sent to the Manager of the Centre for his comments before it is sent to the Audit Committee of the MITD.

**Mr Jhugroo:** Can I know from the hon. Minister for what reasons the Acting Divisional Manager of the MITD and Mr D. T., the Director of HRDC, had the privilege to have a special massage done on several occasions by that lady?

**The Deputy Speaker:** I am sorry! Next question, hon. Jugnauth!

**Mr Jhugroo:** So what? It is a question!

*(Interruptions)*

It is a question! It is a question! This thing was going on there!

*(Interruptions)*

It is a question! He should answer!

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

**Mr Jhugroo:** Massage by top officers.

*(Interruptions)*

**The Deputy Speaker:** Hon. Jhugroo, please resume your seat!

*(Interruptions)*

**Mr Jhugroo:** Cover up! Shame!

*(Interruptions)*

**Mr Jugnauth:** May I know from the hon. Minister...

*(Interruptions)*

**The Deputy Speaker:** I want some order, please! Hon. Jhugroo! Yes, hon. Jugnauth!

**Mr Jugnauth:** The hon. Minister has mentioned that after the two enquiries, there is the internal audit that is now looking at the recommendations and the outcome of these two enquiries. So, after that, may I know which Body is going to take any decision or any action? Is it the MITD or is it the Ministry of Education and Human Resources?

**Dr. Bunwaree:** It will be the Board of the MITD.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the students have been trained for a certain period of time by somebody who is not qualified. What does the hon. Minister propose to do for these students?

**Dr. Bunwaree:** No. I am not saying that the person is not qualified. This has been mentioned by hon. Members on the other side. I will table the certificates and so on and even the methods which were used for that person to be recruited at that section of the MITD. But, on the contrary, according to the report that has been obtained on that lady - forgetting what the trainees have said - at the MITD, for the work she is doing, we don't have any reason to say that she was not up to the standard.

**Mr Jugnauth:** May I know the exact reasons why, therefore, the contract of the massage instructor has been terminated?

**Dr. Bunwaree:** Well, I mentioned that after the first enquiry took place - in fact, the first and the second enquiry, because after the first one, the Ministry directed the MITD to review the reasons that had been raised, the enquiry that has been conducted before because nothing was found in the first enquiry. And, as I mentioned, it is after the second enquiry where there were three people, Divisional Managers, that form part of that Enquiry Committee and it is then that we did, in fact, come to hear about shortcomings and malpractices in that section. After that, the Board reviewed all this and decided that that lady's contract had to be terminated following all that was obtained from the Enquiry Committees. But, I mentioned also, that there was an important point that the MQA had found and had sent to the MITD, that is, that lady's registration at the MQA had lapsed because it was for a period of time.

**Mr Roopun:** Can the hon. Minister confirm whether high officers of the MITD have been involved in practical sessions of massage?

**Dr. Bunwaree:** I have heard that, Mr Deputy Speaker, Sir, but we have not had any concrete examples or serious facts going in that direction.

**Mrs Labelle:** Mr Deputy Speaker, Sir, the hon. Minister, himself, has mentioned that the contents of the course have been questioned. I think I relate that to the question put by hon. Mrs Hanoomanjee.

Since now, we are aware that the contents of the course were questionable. What will be done for these students to overcome this difficulty of not having been trained properly because of the contents of the course?

**Dr. Bunwaree:** I don't agree with what the hon. Member is saying. I don't know whether hon. Mrs Hanoomanjee meant that. I don't think so. We have not mentioned the contents of the course. We were talking of the qualifications of that lady. Even concerning the qualifications of that lady, I have no reasons to say, even now, that that lady was not qualified when she took over that job. But, now concerning the contents of the course, no one is talking about that. The contents are there and the syllabus is there. There is another lady who is replacing that lady already and the course will continue.

**Mr Jugnauth:** The hon. Minister has replied to my earlier question in general terms saying that there have been malpractices and shortcomings. My question was: may I know exactly what is being *reprocher* to the instructor about the malpractices and the shortcomings?

**Dr. Bunwaree:** Well, this, we cannot say at this stage, because the enquiry is going on, because there is procurement of goods and so many things in that. So, we have to wait for what the Audit's Report will tell us and then, we will be able to situate maybe further responsibilities. But, at this point in time, the reason is mainly because that lady's recommendation from the MQA had lapsed.

**Mr Jhugroo:** *Le ministre vient de confirmer qu'il avait entendu qu'il y avait une session de massage faite sur des hauts cadres de son ministère.* Will he consider having an internal enquiry done, and then inform the House of the outcome of the enquiry which will be carried out?

**Dr. Bunwaree:** L'honorable membre a mentionné des hauts cadres de mon ministère. On n'a jamais parlé de cela. Je m'élève vivement contre ça. Ce n'est pas de cela qu'il s'agit. J'ai entendu dire qu'il y avait des étrangers qui allaient dans cette institution. Il y a des sessions pratiques qui sont réalisées. Normalement, les élèves eux-mêmes partagent cela. Mais, à mon avis, il ne faut pas que les étrangers arrivent. Je ne suis pas pour que les étrangers viennent là, à condition qu'on trouve un autre endroit, un laboratoire en particulier où cela pourrait se faire. Mais pas dans l'enceinte de cette institution en tant que telle. Donc, je m'élève vivement contre ce qu'on dit. Ce n'est pas du tout les cadres de mon ministère. Si l'honorable membre a des renseignements, il peut me les faire parvenir.

**The Deputy Speaker:** Hon. Jugnauth, last question!

**Mr Jugnauth:** M. le président, est-ce que je peux savoir quand la première enquête a été initiée?



**Dr. Bunwaree:** La première enquête a été initiée deux ou trois semaines après que nous, au ministère, avons reçu la première lettre de ces *trainees* qu'on avait envoyée au *MITD*. Cela devait être – si je ne me trompe pas – en août ou septembre 2012.

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

#### **NATIONAL EMPOWERMENT FUND – FAMILIES - SURVEY**

**(No. B/697) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the families earning less than Rs 6200 per month and registered with the National Empowerment Fund, he will, for the benefit of the House, obtain from the Fund, information as to –

- (a) the number thereof, and
- (b) when the surveys for the identification thereof were carried out, indicating the number thereof having remained on the list in relation thereto, since the first survey.

**Mr Dayal:** Mr Deputy Speaker, Sir, I am informed by the National Empowerment Fund that a survey was carried out between July and December last year and has revealed that there are some 12,839 households living within the approved income threshold of Rs6,200 a month excluding social aid.

I am further informed that the number of vulnerable families registered by the then Trust Fund for Social Integration of Vulnerable Groups was approximately 7,157 households and the income threshold was then fixed at Rs4,000 a month.

In 2010, this threshold was further increased to Rs5,000 a month.

Mr Deputy Speaker Sir, in February 2012, Government decided to review upward the income threshold for absolute poverty from Rs5,000 to Rs6,200 a month with a view to extending support and assistance to a larger number of families, which was not possible when the income threshold was Rs 5,000 a month.

Mr Deputy Speaker, Sir, in my reply to PQ B/653 on Tuesday last, I did mention that poverty is a complex issue. It is multifaceted and multidimensional. Different countries have different ways of defining poverty. For example, in the affluent societies, it may mean one thing and in the poor and developing countries, it has quite an altogether different meaning.

Be that as it may, poverty is an issue that we cannot condone or tolerate, and this Government, Mr Deputy Speaker, Sir, is determined to reach out to all our vulnerable citizens who by sheer accident of birth happen to find themselves in an unfortunate situation.

That's why Mr. Speaker Sir, the NEF is regularly carrying out site visits and needs assessments with a view to updating its database as regards the number of vulnerable families in Mauritius.

The main objective of these campaigns is to ensure that no vulnerable family is left out of the mainstreams of development.

Mr Deputy Speaker, Sir, the World Bank defines the number of people living in absolute poverty as those earning less than \$1.25 and for the developing countries it is between \$1.25 and \$2 a day in the case of developing countries.

On that basis, \$2 per head per day amounts to Rs1,800 per head.

*(Interruptions)*

This Government has, however, gone several steps ahead in terms of setting the benchmark for absolute poverty.

*(Interruptions)*

As I mentioned earlier, the income threshold was revised upward in February 2012 to Rs6,200. a month, in spite, Mr Deputy Speaker, Sir, of the extensive welfare coverage such as -

- (i) free education;
- (ii) free transportation for the elderly and school children;
- (iii) free health services;
- (iv) free exam fees;
- (v) subsidies on rice, flour and cooking gas;
- (vi) pensions and other social aids, to name a few.

*(Interruptions)*

**Mrs Labelle:** Mr Deputy Speaker, Sir, on a point of order...

*(Interruptions)*

**Mr Dayal:** ...that my Ministry is in the process of further...

*(Interruptions)*

**The Deputy Speaker:** Please, resume your seat! You have got a point of order!

**Mrs Labelle:** Yes. Mr Deputy Speaker, Sir, our Standing Orders make provision not to waste the time of the House and the question is very simple. The hon. Minister is repeating the answer he has given last week which pertains to another question. So, I rely on the..

*(Interruptions)*

Mr Deputy Speaker, Sir, on your guideline regarding the answer to this question. Thank you.

**The Deputy Speaker:** I don't have any control over the answer that the hon. Minister gives, nevertheless I will request him to be to the point.

**Mr Dayal:** Mr Deputy Speaker, Sir, I wish to inform the House that my Ministry is in the process of further reviewing the income threshold for vulnerable families in consultation with the Ministry of Finance and Economic Development and the Ministry of Social Security, National Solidarity and Reform Institutions so as to take onboard other families who may be living in difficult situations.

Mr Deputy Speaker, Sir, no country in this world has been able to eradicate absolute poverty in its entity and that too overnight.

*(Interruptions)*

It is an ongoing and relentless battle. However, the battle cannot be won alone; it requires the concerted effort of all the stakeholders including the poor themselves. That is why at the level of the NEF we are trying to bring about a mindset transformational change through continued education and life skill.

*(Interruptions)*

The fight against poverty remains one of the main priorities of this Government and we will see to it that the vulnerable people in this country are given the full support so that their dignity and self respect are restored.

**Mrs Labelle:** Mr Deputy Speaker, Sir, after the long answer of the hon. Minister, may I, with your permission, put the question I put in my question, that is, I ask the hon. Minister to inform the House about the number of families who have remained on the list of beneficiaries since the first survey? The hon. Minister himself mentioned that they carry out regular surveys. So, he must know the number of families who have remained on the list since the very first survey.

**Mr Dayal:** Mr Deputy Speaker, Sir, for the benefit of this House, let me inform that poverty alleviation is a long term process.

*(Interruptions)*

It is not done overnight. It cannot be tackled overnight.

*(Interruptions)*

There are situations where ten move out and you have as many moving in. Each time we review the income threshold, inevitably the number of vulnerable families coming in, goes up. So, it becomes difficult to assess the exact number that remains in the list.

**Mrs Labelle:** M. le président, permettez-moi d'insister – peut-être que je m'exprimerai mieux en français. J'ai demandé au ministre s'il est au courant des familles qui étaient sur la liste au cours du premier recensement qui avait été fait pour identifier ces familles ? Est-ce que ces familles figurent encore sur la liste aujourd'hui ? Si M. X était sur la liste au cours du premier *survey*, est-ce que M. X est toujours sur la liste aujourd'hui et combien de cas nous avons comme ça ? Voilà ce que j'ai demandé. Merci.

**Mr Dayal:** Mr Deputy Speaker, Sir, I think I have been very, very clear.

*(Interruptions)*

Poverty alleviation is a long term process. It takes time. It does not mean that overnight you can take somebody out of his or her vulnerability. This is very complex.

**The Deputy Speaker:** You don't have any specific figures!

*(Interruptions)*

**Mr Dayal:** Mr Deputy Speaker, Sir, as I said, poverty alleviation is a long term process.

*(Interruptions)*

The hon. Member is asking whether Mr X. who was in the list is still in the list, it cannot be so because it is a long term process as the income threshold has been increased.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, may I ask the hon. Minister to confirm to this House that under the vision of his Prime Minister, they have failed to tackle the problem of poverty in this country?

**Mr Dayal:** Mr Deputy Speaker, Sir, it is this Government under this Prime Minister, as my colleague, hon. Lormus Bundhoo uses to say, that the Ministry of Social Integration has been created to address the problem of absolute poverty. Now, let me tell the House, Mr Deputy Speaker, Sir, you know we increased the poverty threshold simply to take into consideration more people who need our assistance and that is why the number goes up...

**Mr Bodha:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether since the implementation of the National Empowerment Foundation and with a huge budget - I think we started with one billion - how many families have been able to get out of the absolute poverty net?

*(Interruptions)*

**The Deputy Speaker:** Allow the Minister to answer please.

**Mr Dayal:** Mr Deputy Speaker, Sir, they have been in Government, what have they done to reduce poverty? Instead what did they do? *Elimine subsidie lor di riz ration et appelle sa manzer zanimo*, you forget; targeting of old age pension, you forget the misery you created.

*(Interruptions)*

But here hon. Mr Deputy Speaker, Sir,...

*(Interruptions)*

**The Deputy Speaker:** I am on my feet. They have asked a question.

**Mr Dayal:** But I have answered.

**The Deputy Speaker:** You have answered the question.

**Mr Dayal:** Mr Deputy Speaker, Sir, I have already answered.

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

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, will ....

*(Interruptions)*

**The Deputy Speaker:** Hon. Mrs Labelle, please allow the hon. Member to ask his question.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, will the hon. Minister confirm whether he has proposed a new figure of Rs7,500 to the Ministry of Finance as the level of entitlement to the services of his Ministry and, if so, how many families will then benefit from the NEF assistance?

**Mr Dayal:** I think the hon. Member has read it from the press, no figure has yet been proposed.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, will the Minister inform the House whether he is aware that the budget of the Ministry of Social Integration of his predecessor was almost one billion rupees and that the resources that have been allocated to his Ministry under this Budget have been cut and reduced drastically thereby reducing the resources at his disposal to alleviate poverty?

**Mr Dayal:** A simple answer will be, Mr Deputy Speaker, Sir, we have got a collaborative approach with the CSR foundation and the budget does not necessarily reflect what the hon. Member has said.

**Mr Jugnauth:** Le ministre vient de nous dire tout à l'heure, que sur la liste, il y a dix qui sortent et il y a plusieurs autres qui rentrent. Peut-il nous dire dans la dernière année qui s'est passée combien sont entrés sur la liste et combien sont sortis de cette liste?

**Mr Dayal:** Mr Deputy Speaker, Sir, the question is being repeated.

*(Interruptions)*

I just took an example. Like if you have a few getting out, you have as many moving in the net because we have increased the poverty threshold, that is, the income threshold and Mr Deputy Speaker, Sir, let me explain the reason why we come to Rs12,839...

*(Interruptions)*

No, but the question has been put here. You know we have got a wider coverage of the National Empowerment Foundation intervention at field level as a result of the re-organisation of its programme and the adoption of a new case management approach. Mr Deputy Speaker, Sir, an aggressive sensitization campaign has attracted more beneficiaries who otherwise would have been left out.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, considering that, according to Statistics Mauritius, 14% of Mauritian households in 2012 earned less than Rs10,000 a month. Given that the international basis for definition of the relative poverty line is half the medium household income which should lead us to around Rs11,000 can he tell us on what basis the figure of Rs6,200 or the announced figure of Rs7,500 is being calculated.

**Mr Dayal:** That is very interesting. It gives me an opportunity, Mr Deputy Speaker, Sir, of explaining to the House. He is, of course, referring to relative poverty. According to the World Bank, the figure for absolute poverty is 1.25 dollar or between 1.25 to 2 dollars. The Minister of Finance and Economic Development has, through a press communiqué, explained everything and I can table it again for his information. The figure of Rs7500 this is an invention of the press.

**Mrs Ribot:** Mr Deputy Speaker, Sir, I wanted to ask the hon. Minister on what he is basing himself to make a plan for alleviation of poverty if no figures are available. He just said some are coming, some are going...

**The Deputy Speaker:** So the question is clear.

**Mrs Ribot:** Okay.

**Mr Dayal:** Mr Deputy Speaker, Sir, I said that we have an ongoing and continuous needs assessment being done. On basis of that, we have poor families whom we are helping out of their vulnerability and, as I said, we have a case management approach and this is what is helping us to help vulnerable families to get out of their poverty.

**Mrs Radegonde-Haines:** Mr Deputy Speaker, Sir, can the hon. Minister tell us whether the number of families identified as earning less than Rs6,200 come from wages of self-employment or other revenue support such as transfer payments or other forms of Government assistance?

**Mr Dayal:** Mr Deputy Speaker, Sir, I think I mentioned it. The Rs6,200 is excluding social aid derived from the formal and informal sectors also.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Minister whether there are any departments in his Ministry which are concerned with collection of figures and data analysis to be able to come up with the figures of how many poor people there are?

**Mr Dayal:** Mr Deputy Speaker, Sir, since last year, we reorganised the work of the National Empowerment Foundation. The island has been divided into three zones; each zone being monitored by a programme manager and then you have got field officers who collect data on the field. Then, through an aggressive campaign and sensitisation, beneficiaries come to get registered at the National Empowerment Foundation where we have got a desk. There is also an online and through hot line.

**Mr Bodha:** Mr Deputy Speaker, Sir, the hon. Minister mentioned in the last survey 12,839 families which fall under the category. May I ask the hon. Minister, from the survey, whether he can give us the number of children involved and how many of the children are not attending school because of poverty?

**Mr Dayal:** Mr Deputy Speaker, Sir, I mentioned 12,839 households not children.

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

**Mrs Labelle:** Thank you, Mr Deputy Speaker, Sir. Following the numerous replies given by the hon. Minister, may I ask him - since he has not been able to give us the number of families who have been able to get out of poverty; who are still on the list since the very beginning of the project – if it is a fact that the figures have not been compiled or there is not one single family who has been able to get out of the list of beneficiaries after the so many years?

**Mr Dayal:** Mr Deputy Speaker, Sir, again the same question is being repeated. It is a long term process. It takes time for somebody to get out of absolute poverty. Poverty is dynamic.

**The Deputy Speaker:** Next question, hon. Dr. Sorefan!

### FLASH FLOODS – EMERGENCY PROCUREMENT PROVISION

(No. B/698) **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 the contracts awarded following the flash floods of 30 March 2013 through emergency procurement methods, he will state the names of the companies which have been awarded same, indicating the –

- (a) respective contractual amount thereof;
- (b) number of contracts which have not been honoured by the contractual date, if any, indicating in each case, the reasons therefor, and
- (c) amount of money paid for additional works, if any.

**The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, it will be recalled that, in view of the heavy rainfall of Saturday 30 of March 2013, giving rise to devastating flooding leading to loss of human lives, discernible human trauma and considerable distress and suffering, it was imperative in the public interest not to delay action and to take immediate measures under section 21 of the Public Procurement Act relating to emergency procurement. The following day, on 31 March 2013, the technical staff of my Ministry as well as the Road Development Authority and contractors available and responsive for urgent intervention were mobilised for cleaning works in the whole city.

On the basis of in-depth studies of consultancy firms, whose services were retained under the Emergency Procurement Provision, it has been necessary to embark on a number of projects to alleviate the problems of flooding in Port Louis and neighbouring regions. I am tabling the list of cleaning works orders issued on 31 March 2013, and which have already been completed. I am also laying on the Table of the National Assembly a list of projects underway together with contractors responsible for implementation of the works. It must be brought out that works are being undertaken by zonal contractors of RDA and NDU based on rates already approved by the Central Procurement Board.

Mr Speaker, Sir, parts (b) and (c) of the question do not arise, as most of the works are ongoing. There is no contractor who is not honouring the terms of the work contract, and no additional work is contemplated.

**Dr. Sorefan:** In reply to PQ No. B/551 of 25 June, the hon. Minister said that he was going to table the document. Up to now, we have not got any document. I hope this time the hon. Minister will table it today.



**The Deputy Speaker:** What is your question, hon. Dr. Sorefan?

**Dr. Sorefan:** May we know from the hon. Minister how many contracts have not been executed or not even been started up to now?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I just read the answer which I had with me, which was available to me. Up till now, all the work orders which have been given are on because we have given enough time to those contractors to complete. We are monitoring it. I have just read that. I have circulated a list. I will request the hon. Member to go through the list, and then come forward again with questions.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, the hon. Minister in his reply stated that he had recourse to emergency procurement after in-depth studies were carried out by consultants. He has agreed today to table scope of works, value of works. Will he also table the studies and the reports submitted to his Ministry by those consultants?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I will request the hon. Member to bear a bit with me; I am going to submit all. There are about, in fact, four main reports which I am going to submit to the House. I have already submitted the number of contracts, the name of the companies and the contractual value, but I have not submitted the details of scope of works because the question does not deal with the details of scope of works.

**Mr Bhagwan:** Can we have an idea from the hon. Minister of the total amount involved and approved - I am sure by the hon. Minister of Finance? And also I would like to know whether the hon. Minister is aware that certain contractors had recourse to subcontractors - whether that was the case - and whether the subcontractors are contractors who are listed at the approved rates of the Ministry of Public Infrastructure, of the RDA.

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, the amount for the work after 30 March is Rs433,155,082.54 plus the direct work which was given to the tune of Rs62,807,000. With regard to the second part of the question regarding subcontracting, it has been brought to our knowledge that there are contractors who are subcontracting their works also. If we go through the procurement procedures, we find that if that goes beyond 10%, then we can query, that is, for any subcontracting work beyond 10%, then of course, clearance has to be received from either NDU or RDA.

**Mr Bhagwan:** The Minister said that below 10% there is no need to have the Ministry's approval. Has the Ministry or the RDA carried out a survey of the works effected by the subcontractor? According to our information, even the subcontractor had recourse to other subcontractors for equipment and so on.

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, in this case, strict instructions have been given to the contractors, and monitoring work is being undertaken by the engineers of my Ministry. There are cases where we have compelled them to do the work over again. Rectification works are being carried out, and action will be taken against any contractor who is not doing the work according to specifications.

**Dr. Sorefan:** In reply to PQ No. B/551, the hon. Minister answered that 'one contractor was given too much of work because he was responsible for Constituency Nos. 5, 6 and particularly 7, where almost six to seven big contracts were given to him.' May we know whether giving too much work to one contractor doesn't jeopardise the project and people do not get value for money?

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, the system as it is in Mauritius, we have zones. The hon. Member knows that once the zonal contractor is appointed, the responsibility befalls on the zonal contractor to undertake the work. You have got RDA's zonal contractor, district contractor, and NDU's zonal contractors. So, we have got only two contractors in one particular zone. But, unfortunately, when there was the flash food, the heavy flood, parts of the country were badly affected, and those parts of the country which were badly affected happened to fall under the responsibility of one contractor. Unless and until he refuses, I cannot call any other contractor to come forward. I cannot refuse work to a contractor unless and until he himself openly states that he is unable to do the work. Having said that, we are monitoring the work, and definitely if there is any delay in implementation, it goes beyond the estimated time, then of course, the contractor will have to pay the liquidated damages.

**Mr Baloomoody:** From the list submitted, there are drain works at Pointe aux Sables from Phase B Node, B2 to B4. I find 'kept pending because of objection from the landowner.' May we know where matters stand, and what action has been taken?

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, after the flash flood, the following day, immediately we had recourse to emergency procedures. We immediately requested one contractor who was on site because I know that site was badly affected. Unfortunately, the works started. Despite our repeated appeal to the landowners, there has been one landowner who refused. The matter is in Court, and we have requested the Ministry of Lands and Housing to proceed very fast with the acquisition. The case is still pending before the Court, and I do hope that in about four to five months, we will be able to get the land under our responsibility and the work will continue. We have got a few cases like that.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, those works started after the flash floods. After the flash floods we have seen workers or contractors working after normal working hours or even at very odd hours, 2 or 3 o'clock in the morning. Were special rates used for the works?

**Mr Bachoo:** The rates, Mr Deputy Speaker, Sir, are the same. These rates are the normal rates which have been approved by the Central Procurement Board. We are not paying anything extra even if they are working for the whole night.

**Mr Jugnauth:** May I know under which section of the law the hon. Minister is compelled to give the contract to a zonal contractor?

**Mr Bachoo:** Mr Deputy Speaker, Sir, if a zonal contractor has been appointed by the Central Procurement Board in a region and there are floods, it is obvious that the NDU has to go to that zonal contractor. If the NDU goes outside ...

**The Deputy Speaker:** Hon. Minister Aimée, allow the hon. Vice-Prime Minister to answer the question!

**Mr Bachoo...** the zonal contractor, then we have to go into the tedious and lengthy procedures of tender over again, and that takes too much time. So, that is the reason; it is the normal practice. The NDU cannot go against the zonal contractors; we cannot go.

**Mr Uteem:** Mr Deputy Speaker, Sir, a list has been circulated by the hon. Minister setting out various places where these emergency works are being carried out. May I know from the hon. Vice-Prime Minister how was this list computed, and why are certain regions included and not other regions?

**Mr Bachoo:** I answered this question. That was the question which was asked to me after 30 March. On 13 February, there was a heavy flood, and after 13 February many work orders were already issued in different parts of Port Louis, including Constituencies Nos. 1, 2 and 3. So, those names have not been included in this answer because this was already answered earlier. These are the places which were badly affected. The list was prepared by the technicians and engineers who had been around the city to see the places which were the worst affected. For the works which started as from 13 February, these are not included in this one.

**Mr Bhagwan:** I have the list concerning the ongoing works following the flooding in my hand. We can see the name of Safety Construction Company Ltd. with more than Rs50 m. In reply to a Parliamentary Question, which the hon. Vice-Prime Minister gave last time on a project in Beau Bassin, on the construction of a football ground, he stated to the House that that Safety Construction Company Ltd was on watch because that construction company was given responsibility in a special area in our Constituency - I know and the hon. Vice-Prime Minister knows about it - and they were not performing. They were even reported to the Central Procurement Board. May we know how can such a company, which is not giving satisfaction in a particular Constituency where it had been responsibility by the CPB,

be awarded more than Rs50 m. contract when the hon. Vice-Prime Minister himself stated in the House that they were under watch?

**Mr Bachoo:** Mr Deputy Speaker, Sir, it is true, I had made a statement in the House that this contractor was reported by the NDU for not doing the works properly. In fact, the contractor was deregistered, but he made an appeal. The appeal was heard, not by me, but by the authorities concerned, not by my Ministry, and he was given a chance. After that, the contractor was chosen by the Central Procurement Board to be responsible for one region in Port Louis. Work has been given to the contractor, but the work of that contractor is being regularly monitored and, as at now, I can inform the House, according to the reports which I have received from the technicians, that the contractor is performing well.

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

#### **MAURITIUS FOOTBALL ASSOCIATION - GRANT**

**(No. B/699) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Mauritius Football Association, he will state the quantum of the financial grant allocated thereto, since January 2013 to date, indicating the –

- (a) dates of disbursement thereof, and
- (b) purposes therefor.

**Mr Ritoo:** Mr Deputy Speaker, Sir, an amount of Rs2,987,562 has been released to the Mauritius Football Association since January 2013 to date. I am tabling a Paper giving details of the disbursement made and the purposes therefor.

**Mr Quirin:** M. le président, l'honorable ministre peut-il nous dire s'il maintient toujours ce qu'il avait affirmé il y a quelque temps de cela concernant l'intention de son ministère de stopper toute aide financière à la *MFA*, suite aux nombreux scandales qui ont secoué cette Fédération? Peut-il nous dire s'il a toujours cette intention?

**Mr Ritoo:** Mr Deputy Speaker, Sir, I think I mentioned that I am going to reduce the budget allocated to the Mauritius Football Association regarding the performance, but I cannot stop the budget of the *sport roi* of the Mauritian sports!

**Mr Quirin:** M. le président, peut-on savoir quel est le montant total du *grant* qui est prévu pour la *MFA* cette année?

**Mr Ritoo:** It is Rs5.9 m.

**Mr Quirin:** M. le président, l'honorable ministre peut-il nous dire si la *MFA* doit de l'argent au *Mauritius Sports Council (MSC)*, et si oui, d'indiquer le montant?

**Mr Ritoo:** I am not aware that the Mauritius Football Association owes any money to the Mauritius Sports Council.

**The Deputy Speaker:** Next question hon. Quirin again!

### ATHLETES – ANTI-DOPING CONTROLS

(No. B/700) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Mauritian athletes, he will state the names thereof, if any, who have been subject to unexpected anti-doping controls, since January 2012 to date in Mauritius and abroad, indicating in each case, the -

- (a) sport discipline practiced, and
- (b) outcome of the said control.

**Mr Ritoo:** Mr Deputy Speaker, Sir, I have to inform the House that 12 Mauritian athletes – 11 in Mauritius and 1 abroad - have been subject to unexpected anti-doping control since January 2012 to date. I am tabling a Paper giving the number of athletes who have undergone anti-doping control sports-wise.

Mr Deputy Speaker, Sir, it will not be appropriate for me to give the names of the athletes who were subject to anti-doping control as, according to the Code of the World Anti-Doping Agency and also as per Parliamentary practice, it is unethical to reveal the names of the athletes who have been tested.

As regards part (b) of the question, no adverse findings have been reported.

**Mr Quirin:** M. le président, l'honorable ministre peut-il nous dire dans quel laboratoire ces contrôles ont été effectués et quel a été le coût de ces contrôles?

**Mr Ritoo:** All exercise regarding doping is being done at Bloemfontein South Africa, a laboratory authorised to do the doping test and the amount is 190 dollars per test.

**Mr Quirin:** M. le président, dans la section 18 de l'actuel *Sports Act*, mention est faite de la mise sur pied d'un institut, that is, the *Institute for Drug- Free Sport*. Le ministre peut-il nous dire si cet institut existe et si ce n'est pas le cas, quelle est la raison?

**Mr Ritoo:** Mr Deputy Speaker, Sir, we have got an Anti-Doping Unit at the level of our Ministry and the staff authorised is accredited by the World Anti-Doping Agency to carry out the test. We do not have any such laboratory here to do the anti-doping test. This should be done by the World Anti Doping

Agency (WADA) and it is according to their recommendation that such a laboratory could be put in place in Mauritius.

**Mr Quirin:** M. le président, peut-on savoir si le ministère de la Jeunesse et des Sports dispose d'un *updated list* des produits dopants interdits par la *World Anti-Doping Agency*?

**Mr Ritoo:** All prohibited drugs are normally published and put at their disposal in all sports infrastructure of the Ministry.

**The Deputy Speaker:** The hon. Member has got one last question?

**Mr Quirin:** Peut-on savoir à quand remonte la dernière campagne du ministère de la Jeunesse et des Sports sur le dopage et ses méfaits? A quand remonte la dernière campagne qu'a organisée le ministère de la Jeunesse et des Sports?

**Mr Ritoo:** It is ongoing, Mr Deputy Speaker, Sir, because ...

*(Interruptions)*

... the Anti-Doping Unit of my Ministry regularly carries out tests on the athletes before any competition, out of competition and, normally, it is updated.

*(Interruptions)*

In one month we will be having the African Championship in Mauritius. So, obviously, before this competition there will again be a campaign regarding the prohibited drugs.

**The Deputy Speaker:** The Table has been advised that Parliamentary Question No. B/725 has been withdrawn. Next question, hon. Fakeemeeah!

### UNEMPLOYMENT – JANUARY-JULY 2013

**(No. B/701) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to unemployment, he will state, since January 2013 to date, the monthly figures thereof.

**Mr Mohamed:** Mr Deputy Speaker, Sir, having gone through the question which is being put by the hon. Member, the content and the tenor thereof, it is clear that he is referring to monthly figures, as is clearly written in the Question and since it is the Statistics of Mauritius which produces official estimates of unemployment at national level, based on the Continuous Multi Purpose Household Survey on a quarterly basis, and it is only the Ministry of Employment that produces statistics on a monthly basis, I gather that what the hon. Member is looking for in terms of information is the information from my Ministry which is the Ministry of Employment.

In that context, I wish to apprise the hon. Member that the Employment Service of my Ministry compiles statistics for jobseekers registering at the 13 Employment Information Centres (EICs) around

the island. As at end of June 2013, the situation was as follows: 17,503 people were registered as unemployed. Out of the 17,503 registered as unemployed, 4,760 males and 12,743 females were registered as unemployed.

Also, what I would like to add to those figures for the benefit of the hon. Members of this House, Mr Deputy Speaker, Sir, is that there are also registered at the level of the Employment Information Centres of my Ministry the following: 17,737 males and 20,026 females registered with my Ministry - that was the total. But, out of that total, 20,000 of them were already employed but in search of a better employment or employment in the Public Sector.

*Alors pour récapituler*, what I would like to say is the following: the total number of people registered at the level of my Ministry is 37,763; 20,260 of them were already employed but looking for a better job and, most importantly, for a job in the Public Sector and out of the 37,763, 17,503 were registered as unemployed.

I wish also to highlight, Mr Deputy Speaker, Sir, that for the period of April to June 2013, there has in actual fact been a decrease of 6% in respect of the unemployed category (UE), as compared to the first quarter January to March 2013. So, that decrease of 6% of the registered unemployed is very important and noteworthy.

I am therefore tabling in order for the hon. Member and all Members of the House may have the information they need, all the figures, which is a breakdown of jobseekers registered with the Employment Information Centres of my Ministry for both categories. And it is important to note that there are categories. One is in actual employment. So, you have people who are employed but registered as unemployed. That's very important to note and I repeat it. There are people who are registered as unemployed but are in actual employment but seeking for a better job and then you have those who are unemployed. This is a category and a differentiation that the Central Statistics Office does not take into account. So, those are actual realities *sur le terrain* that we do take into account and it has always been the case as all previous Ministers of Labour and Employment in this august Assembly would remember. So, the document that I would like to table is here.

I wish also to inform the House that my Ministry has initiated some review of the Labour Market Information System in collaboration with the International Organisation for Migration (IOM) and funding from the European Union and within three months, at the most, we will have a new system altogether which would be a web-based interactive dynamic system where people will be able to interact with potential employers and employees searching for jobs in all fields will be able to interact with employers and this will be ready within a maximum of three months. Thank you very much.

**Mr Fakeemeeah:** Can we get the breakdown please Constituency wise?

**Mr Mohamed:** I totally understand the reason why the hon. Member would like to know it Constituency wise. Let me simply say that in the document I tabled - and it has not been in the practice of any Government to go by way of Constituency wise to know where the unemployed are; it has always been done district wise and the information is in the document I tabled. But just to enlighten the hon. Members of the House, the district that suffers from the most registered unemployed is not Port Louis; I can reassure the hon. Member. We are faring quite well and on a lighter note, the district that happens to have the highest number of unemployed is, in fact, Flacq.

*(Interruptions)*

**The Deputy Speaker:** Order, please! Hon. Ameer Meea!

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, can I ask the hon. Minister why he is encouraging unemployed people to leave the country and to migrate abroad to find a job and that also if he is aware that he has been contradicted by the Minister of Finance in his public rally?

**Mr Mohamed:** In fact, since I like to keep things balanced, like I thank hon. Fakeemeeah for having put the question, I'll thank hon. Ameer Meea for putting that intelligent question as well. So, when you have intelligent questions coming from Constituency No. 3, I am very grateful.

Now, the question is very important and I thank the hon. Member for the opportunity he has given to me to enlighten the House. I would like to say that at no time did I encourage people to emigrate; I have encouraged people to go and work abroad in the concept of circular migration which is very different a concept from emigration to circular migration and the Members of the Opposition themselves, many of them, have worked within the same concept of circular migration in other countries. They are today Members of this House. Many Members have worked in countries like Singapore or France or the States or in countries in Africa and if it is good for Members of the Opposition, they see the importance of working abroad to benefit oneself, they have surely therefore most probably come across and if they have not, I would like to share that with them, a very important document and research paper that was being written by Mr Yaw Nyarko.

*(Interruptions)*

If maybe the hon. Member could allow me to say that; it is an important part. There is a very important document that was written by the Professor of New York University, Mr Yaw Nyarko, who comes from Ghana. So, I do not base myself on decisions and make decisions based on instincts. I base myself on facts, statistics and figures that show clearly what he says. There is a fear that has been distilled around by



certain uninformed or misinformed people that circular migration is wrong because of the supposed concept of brain drain. At no time this paper clearly shows, facts and figures have shown that the concept of brain drain does exist, what on the contrary exists, established in this paper by Professor Yaw Nyarko of the New York University whom I personally met in Abu Dhabi last time, was that there is brain gain and economic gain and his paper is entitled: "The Economic Development Benefits of Human Mobility to Source Countries". So, it is in the advantage of Mauritius for people to embark upon circular migration. And let us not forget that the former Prime Minister of India, Shrimati Indira Gandhi started this whole process in India in the late 70's and today India has benefited and is benefiting from this vision of this great lady. Thank you.

**Mr Fakeemeeah:** As the hon. Minister is also an elected Member in my Constituency, I would like to know from him the actual situation in our Constituency regarding unemployment.

**Mr Mohamed:** This is very simple. Since the figures that I have given him, it has not been the practice of any Government to go into figure collection for Constituency. It would be very wrong to embark upon that. So, what I can assure him is when he looks at the list I have given him, Port Louis is fairing very well as I have said compared to the district of Flacq or even the area of Constituency No. 10. So, what I can assure him and I can only tell him to believe me that as far as the Constituency is concerned, there are no figures to prove it, but it is working very well. Believe me, my word for it.

**Ms Anquetil:** Est-ce que le ministre pourrait indiquer à la Chambre quel rang ou quelle place occupe Maurice en matière de chômage par rapport à nos voisins de l'Océan Indien?

**Mr Mohamed:** Well, in actual fact, our country has basically demonstrated one very important element. I have recently, like all of us in this august Assembly, not only on the side of Government, but also on the side of the Opposition, had the opportunity of going and attending conferences and we do meet with people from all walks of life, from all Governments from other foreign countries and each Member of this House will agree - and they cannot disagree to that - that our country has shown resilience whereas countries next door have really gone down the ladder when it comes to increase in *le taux du chômage*, unemployment rate. You have certain countries in the region that have reached double figures in terms of unemployment, but, as I have said earlier on in my answer what was very important for me to have noted is the following. Not the survey, but the actual registered unemployed, it has actually for the period of April to June 2013 decreased by 6% compared to the first quarter of 2013.

**Mrs Ribot:** Mr Deputy Speaker, Sir, I would like to know from the hon. Minister the percentage of the unemployed who are aged between 18 and 24 and the percentage of the unemployed who are actually graduates.

**Mr Mohamed:** Those figures are also in the document I have just tabled and I can assure the hon. lady and all Members that if they go through the document, even as hon. Obeegadoo just said, all those who are registered, their age, the district they live in, the qualifications they have, everything is in that document and it is a complete document which I have had the pleasure to table.

**Mr Baloomoody:** I thank the hon. Minister for his answer. In fact, I have that document in my possession, which he has just deposited.

*(Interruptions)*

If you look at the age between 20 and 29 - those who are SC holders, HSC holders and Professionals - it keeps on the increase and it keeps increasing. Is this why the hon. Minister has informed our youth that their future is not in Mauritius and that they have to go abroad?

**Mr Mohamed:** In actual fact, it is quite – I admire ...

*(Interruptions)*

Can you, please! I am trying to give an answer. Please!

So, I admire the ability that the hon. Member has to really change the form of what I have said or the content of what I have said. Now, his ability that he has to do that is that, he excels in the art of really giving something else that I did not say and I really commend him for that ability which I would not like try to emulate.

However, let me also say that at no time have I said that there is no future in Mauritius. There are various methods.

*(Interruptions)*

Now, if you have asked the question, let me answer. There are various ways and means of addressing the problem of unemployment in a country. One of the means is of creating labour locally; another method is also of circular migration.

**The Deputy Speaker:** Hon. Mrs Ribot! Please, allow the hon. Minister to answer!

*(Interruptions)*

You have got no right to speak from a sitting position. I suppose this is clear. Hon. Obeegadoo!

**Mr Obeegadoo:** I have had the benefits of being communicated the document by my colleague. I am trying to make sense of the figures as per educational attainment, and Table 9 says: SC, HSC and then, professional. I am particularly interested in the evolution of the numbers of degree holders. So,

unfortunately, the document is not clear. Professional, here, can mean anything including those possessed of MITD training courses.

So, can I put a simple question to the hon. Minister as regards degree holders and in respect of the period covered by the question of hon. Fakeemeeah, January 2013 onwards, may we have an indication as per the list of registered unemployed as to the trend of figures concerning degree holders?

**Mr Mohamed:** The only figures that I have are those that exist in the document that I have communicated.

Now, since the hon. Member has stated that the one where it is written professional, does it include...

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

**Mr Mohamed:**...degree holders or is it people who are professionals in a certain *métier* for instance. In order to clarify that, I would like to take this as a suggestion which I would like to bring to my officers to get the exact figures and I would gladly communicate it to the House. I think it is a very interesting question which merits for me to have this clarification.

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

**Mr Bodha:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he can give us the figures of unskilled unemployment and inform the House as to whether he is proceeding to Bangladesh for the recruitment of more workers from that country, how can he explain this mismatch and what he wants to do in order to address this issue?

**Mr Mohamed:** For one thing, I do not propose to go to Bangladesh because the only time that I went there, the hon. Member was part of Government then. He will recall it was after this accident that had occurred where eleven Bangladeshi people lost their lives. I do not propose to go to any country for recruitment of workers. The only countries I propose to visit to finalise agreements on circular migration are the following: Qatar, United Arab Emirates which would be Dubai and Saudi Arabia as well. I have also asked that we come and bring skilled labour towards Saudi Arabia.

Now, the reason for the mismatch, there are many. We are, as we are speaking, trying to finalise a document which is the National Employment Policy -which we have tried to put up as a document - together with the International Labour Organisation. Their consultant have finished the work and we are just together with the Mauritius Employers' Federation, since it is a Tripartite Committee, with the representatives of workers also trying to finalise the National Employment Policy.

But let me take this opportunity, Mr Deputy Speaker, Sir, to say the following. There are certain countries like Mauritius where you have a lot of people who are coming from abroad, be it India, Nepal,

Bangladesh, Madagascar or China who are working in the construction industry. There are a lot of foreigners who are also working in the Seafood Industry; in the Tuna Industries. There are lots of foreigners who are also working, as I have said, in the construction, the seafood and the textile industry. And each of those factories, be it the textile, seafood or construction industries, there are vacancies for Mauritians. Many reports that I have read and I have come across say that a lot of Mauritians do not want to go towards those jobs for many reasons. Number one, because there are not enough Mauritians who are employable or skilled to go towards those fields. Secondly, there are not a lot of Mauritians who want to go to those jobs because they are people who are now higher educated. *Et la faute est à Sir Seewoosagur Ramgoolam* who brought in free education. So, you may zip it.

*(Interruptions)*

Now, as far as I would like to say is, instead of listening to the answers if hon. Members will try to keep on peeping remarks, this means they are not really bothered with the answer.

Now, the fact is that a lot of Mauritians are highly qualified today. They have gone to school, they have Secondary Education and University education and our people happen to be highly qualified as a population and they do not want to go and do simple manual jobs as they used to do in the eighties or the nineties. That is a reality. Other countries have mismatch where we can provide them with skills. That is a reality of globalisation. Now, we want to face reality and act accordingly. We will not sell dreams like certain Members of the Opposition are excellent at selling to the people.

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

**Mr Fakeemeeah:** Mr Deputy Speaker, Sir, as we embark on the issue of youths and graduates, I am convinced that the hon. Minister should be aware of the great concern being focussed by the European Union on this issue. I would like to know what your Ministry is doing to tackle this tough issue.

**The Deputy Speaker:** Is it connected with the problem of unemployment?

**Mr Fakeemeeah:** Unemployment, Mr Deputy Speaker, Sir.

**Mr Mohamed:** The hon. Member is right. In actual fact, it is not only the European Union, it is the International Labour Organisation, it is the *Organisation Internationale Pour Les Migrations*, it is the World Bank. All international organisations are investing heavily in order to tackle the growing problem of youth unemployment worldwide and there are certain countries where even youth unemployment has hit figures like 30% and we must say Thank God in Mauritius we have not reached such drastic situations. But the Ministry of Finance and Economic Development, under the leadership of the hon. Vice-Prime Minister, Minister of Finance and Economic Development, has started up a new project which is called

YEP, Youth Employment Programme. That programme, under the aegis of the Ministry of Finance and Economic Development, has - as he will answer in a question later on today - proved that it is working. Mr Deputy Speaker, Sir, the recent amendments that were brought to the employment laws allow even the Ministry of Labour, Industrial Relations and Employment to tap in to the finance of the levy that is imposed upon employers for training purposes because a lot of people who lose jobs, we are soon going to use that finance to retrain them, not in skills that they believe they like, but in areas where they believe they can find jobs.

What I would like to also say and to reassure this House is the following: we are still very far from the record of 16,000 jobs being lost in a textile industry when they were in power.

*(Interruptions)*

**The Deputy Speaker:** Next question! Hon. Obeegadoo!

### **MITD - TRADE UNIONS & NGOs - PROTESTS**

**(No. B/702) 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.

**Mr Mohamed:** Mr Speaker, Sir, I am informed...

*(Interruptions)*

**The Deputy Speaker:** Hon. Li Kwong Wing, allow the hon. Minister to answer!

**Mr Mohamed:** I am informed that on Tuesday 14 May 2013 at about 1200 hrs, a delegation of several trade unionists comprising, *inter alia*, Mrs. R. A. G. and Messrs A. S., N. G. and D. B. called at my Ministry, insisting to meet my colleague, the Minister of Agro-Industry and Food Security, who was then replacing me as I was on mission abroad. They met the Acting Director of Labour and Industrial Relations.

The purpose of the trade unionists' visit was to raise, in the wake of the report of the Fact Finding Committee on the alleged case of abuse of a minor at the MITD, the following cases-

- (a) Mrs S.S. employed as Instructor, who according to her, has had her contract of employment unjustifiably and prematurely terminated on 26 April 2013;
- (b) Mrs P.B., employed as Psychologist, who was allegedly unjustifiably interdicted from duty with effect from 26 April 2013, and
- (c) Mr H. M., employed as Assistant Manager and also President of the MITD Employees Union, who was unjustifiably suspended from duty on 21 January 2013 but was reinstated in his post on 29 April 2013, with a severe warning which according to him is unwarranted.

The aforesaid trade unionists were protesting against the decisions taken by the MITD in relation to the above cases, I just mentioned. They added that following the termination of employment of Mrs S. S. and the interdiction of Mrs P. B., the MITD has gone so far as to make a Police case against the two ladies and, following their arrest by the Police, they had to get released on bail. They also stated that those are cases related to labour issues and the Police should never have investigated therein.

Concerning part (a), I am informed that following the termination of employment by the MITD, Mrs S. S. registered a complaint at the Labour Office of Curepipe on 02 May 2013. A meeting was fixed with the management of MITD and Mrs S. S. on 17 May 2013. However, the case was discussed with the management only, in the presence of the Presidents of the Federation of Parastatal Bodies and other Unions and the MITD Training Officers and Instructors Union and Mrs S. S. could not attend the meeting as she was convened to the Central CID on the same day for statement.

My Ministry requested officially the management of MITD to consider the request of the Unions, i.e. the reinstatement of Mrs S.S. with immediate effect or payment of notice and severance allowance at the rate of three months' remuneration per year of service with effect from the date she joined the MITD.

The MITD then explained to the officers of my Ministry that Mrs S.S was employed on contract wherein there is a clause that the MITD may terminate her employment without notice in the event of incompetence, misconduct or insubordination.

The MITD referred this matter to its Board for a decision. My Ministry has in a letter dated 03 June 2013, reiterated the Unions' requests for reinstatement or payment of notice and severance allowance. The MITD has been advised by the State Law Office the following. On 13 June 2013, the State Law Office informed the MITD -

- (i) as far as the reinstatement is concerned, it does not arise as had the contract of Mrs S. S. not been terminated on 26 April 2013, the said contract would have expired at the end of

June 2013 and her continued employment at the MITD would have been conditional upon her contract being renewed;

- (ii) to leave matters as they are, that is, what the State Law Office said and meet up the case in Court should Mrs S. S. decide to sue the MITD for indemnity.

On 06 June 2013 Mrs S. S. gave a full statement to the Curepipe Labour Office. On 14 June 2013, Mrs S. S. has requested my Ministry to proceed with her claim of unjustified termination of employment. Following advice from the SLO received on 28 June 2013 to the effect that, in fact, Mrs S.S. had continuity of service with the MITD from the date of her first contract of employment. We have decided that this matter is to proceed to court and the matter is coming *pro forma* on 01 August 2013.

As regards part (b) and I do apologise of the length, but I am trying to shorten it. I am informed as to date - regarding Mrs P. B. - no complaints have been registered at the level of my Ministry from Mrs P. B. as opposed to Mrs S. S. who may give a formal statement at the Labour Office in Curepipe. Neither has a compliant been registered on her behalf by any Trade Union representative.

Concerning part (c) as regards Mr. H. M., I am informed that on 02 May 2013, he reported to my Ministry certain facts which the House is fully aware of. He complained that he has not received a reply to a letter he had sent and on 08 May 2013, he had 21 days to appeal as an employee of the MITD since disciplinary proceedings against him was in his capacity of his employer MITD.

On 09 May 2013, he reported a labour dispute to the Commission for Conciliation and Mediation, relating to the severe warning issued to him on 26 April 2013.

The President of the Commission for Conciliation and Mediation intimated to him that he had to report after having rejected the dispute on the ground that he has reported the dispute within six months following the date, on which he reported a previous dispute. The law says you cannot do that. So, this dispute was rejected. I am of review legally, correctly.

I am informed that Mr H. M. has been again interdicted from work on 13 May 2013 -

- (i) He has registered a complaint of harassment at the Curepipe Labour Office and gave a statement on 29 May 2013 to that effect. As far as 05 June 2013, statements were recorded from his two witnesses.
- (ii) He made a further statement on 11 June 2013 to the effect that the management of MITD is practising a policy of discrimination against him.

Enquiry in the complaints of harassment and discrimination against Mr H. M. is ongoing. The advice of the DPP which has been sought on the matter is being awaited before this matter can be

proceeded with that of complaint of harassment and discrimination. As far as the matter of discrimination is concerned, I am also aware - if I am not mistaken - my Ministry has also informed Mr H. M. that he should report this matter to the Police because it is a criminal matter and I believe that is why the advice of the DPP was also sought regarding harassment as far as his position as a Trade Unionist is concerned.

**Mr Obeegadoo:** Just to get the facts right, Mr Deputy Speaker, Sir. Do I understand that as regards Mrs S. S., the Ministry of Labour has indeed concluded that because she had five years of uninterrupted service, the MITD should not, as it did, have terminated her contract, as they call it, and that the Ministry of Labour is now prosecuting, suing the MITD on her behalf.

**Mr Mohamed:** It is not the place of the Ministry of Labour to pass judgement. It is that of a court of law. Neither is it for us to pass valued judgment, it is that of a tribunal. We are here to assist all employees that fall within our jurisdiction, including Mrs S. S., and we have taken advice from the State Law Office, as far as continuity of services is concerned in order to establish whether or not we have a *prima facie* case to go to court. Now, what will be the judgment eventually depends on cross-examination and testimony being delivered and evidence that the hon. Member is well aware. We are, therefore, ensuring to all members of the public that we will fulfil our duty and responsibility towards all employees of this country.

**Mr Obeegadoo:** So, the Ministry is actually suing MITD and in our regard, prosecuting, I think is the right term. As regards Mr H. M. my understanding is that subsequent to his reporting of an offence of discrimination and victimisation of an employee under Section 31 of the Employment Rights Act, the Ministry has now deemed it proper to seek the advice of the DPP. Is my understanding correct?

**Mr Mohamed:** Yes, that is correct.

**Mr Obeegadoo:** May I know whether the Ministry has also looked into his complaint to the effect that although - I refer to the first disciplinary committee at the MITD - the hearings were completed on 19 March, it was only on 26 April, that is, very much outside the delay prescribed by law that he was issued with a severe warning and not on the basis of the findings of the disciplinary committee hearing, but on the basis of his personal record?

**Mr Mohamed:** The information I have following the question that has been put is that there is a complaint that has been registered. First of all, he started, as I said, by reporting a labour dispute at the Commission for Conciliation and Mediation and then this dispute was rejected, but formally as a complaint at the level of the Labour office, we have one which is registered on 13 May 2013 for harassment at the Curepipe Labour office. No, he was interdicted as from 13 May, the complaint was registered on 27 May and he gave a statement on 29 May as well to that effect. Now, I can assure the hon.



Member and all Members of the House, whatever complaint he has made, every detail of that complaint will be investigated into and all relevant matters in relation to that complaint will be looked into.

**The Deputy Speaker:** Hon. Leader of the Opposition!

**Mr Ganoo:** Can the hon. Minister tell the House whether in relation to the case of Mrs S. S. there is a prayer for reinstatement?

**Mr Mohamed:** Initially, as I have said in my answer, when the trade unionist visited the colleague who was replacing me, then it was the Minister of Agro Industry, there was, I am informed, a request that either we paid a three-months notice or she, instead of that, be reinstated and this request was communicated to the MITD by my Ministry. We have been informed, as I explained in my answer, that this request has been turned down and this matter will end up going to court. This is where this matter will be thrashed out.

**Mr Ganoo:** Now, that the case will go to court, will there be a prayer for reinstatement in the Complaint before court?

**Mr Mohamed:** I have not seen the Complaint, so I cannot therefore tell you what is in the Complaint, however, I will have a look at the Complaint before it goes to court to ascertain whether there is a prayer to that effect. Most probably, the hon. Leader of the Opposition is making allusion to recent amendments to the law where reinstatement is permitted depending on the consent of the worker. So, we will have to cross that bridge when we get there. I thank the hon. Leader of the Opposition for his question.

**Mr Jugnauth:** The hon. Minister has said that, during a meeting, the proposal of reinstatement was rejected by MITD. May I know for what reasons that this proposal has been rejected and if the Ministry has found out whether they have sought legal advice in order to support this rejection for reinstatement?

**Mr Mohamed:** I said that it very clearly. I have tried to repeat it; maybe I get too much information, it is very difficult to assimilate everything. Now, the MITD has been advised by the State Law Office on the 13 of June 2013; so it is the State Law Office that advised the MITD that the issue of reinstatement does not arise for two reasons: one, had the contract of Mrs S. S not been terminated on the 26 of April, the said contract could have expired at the end of June 2013 and her continued employment with the MITD would have been conditional upon a contract being renewed; two, to leave matters as they are and meet up the case in court should Mrs S. S decide to sue the MITD for indemnity in lieu of notice. So, to cut a long answer short is: I guess this matter will have to be sorted out in court. There is advice from the SLO to the MITD. There is advice from the SLO to the Ministry of Labour as far as continuity of service is concerned and this matter will have to be decided by the Industrial Court.

**Mr Obeegadoo:** Concerning Mr H. M, is the Minister aware that he has again been suspended on the 13 of May and that he has been asked to provide explanations which he has provided on the 20 of May and that, on the 27 of May, management has informed him that his explanations are not satisfactory, that he will be subjected once again to disciplinary committee proceedings and that since the 27 of May he has heard nothing from the MITD management. In those circumstances, because the facts I am mentioning are now in the public domain, and irrespective of whether or not there is a formal complaint, will the Minister use his ministerial prerogatives to look into this matter?

**Mr Mohamed:** If what is being described by the hon. Member is correct factually as lawyers, we would therefore agree that it is very good for him that there are some technical issues that have cropped up, which seem to be in his favour, but since I am not aware of all the details as the hon. Member puts it, I can assure the hon. Member, Mr Deputy Speaker, Sir, that every employee who makes a complaint – as I have said, true he has been interdicted on the 13 of May once again, he has made a complaint at the level of the Curepipe Labour Office and gave a statement on the 29 of May to that effect. We are taking advice from the Director of Public Prosecutions as far as the issue of harassment is concerned. So, we will leave no stone unturned and I can reassure the hon. Members of this House that - as I have done in the past and I have shown it - whenever anything is done against any employee be it parastatal body or otherwise, we do not make a difference. I go ahead and see to it that prosecution, if there has to be there will be, but it is for the court to decide and we should not, at this particular stage, try to pass judgments and we should let the court do its work and wait for the judgment.

**Mr Obeegadoo:** So, the Minister seems to agree the MITD is outside the law for the first disciplinary committee hearing; now again outside the law and the Minister gives us the assurance he will leave no legal stone unturned. Fair enough. That is much appreciated. Now, however, what about political stones? In this case, Mr Deputy Speaker, Sir, and this is my question, being given that this MITD, that has been blatantly flouting the provisions of the labour law, victimising trade unionists, persecuting poor employees, is answerable to a Minister of the very same Government which Minister has been adamantly been defending week after week in this House the MITD, doesn't he intend to raise the issue within the proper forum at the political level?

**Mr Mohamed:** Now as far as political stone is concerned, I mean there is one tied to the feet of the MMM and that is the MSM. Now, as far as I am concerned...

*(Interruptions)*

I am sorry, you don't have a sense of humour. Have a sense humour! You are a funny man. You are a joke. Have a sense of humour for God sake.

*(Interruptions)*

**The Deputy Speaker:** I want order in the House. Order!

*(Interruptions)*

Order please! Wait a minute!

*(Interruptions)*

I want order in the House please. Hon. Soodhun, you have utilised an unparliamentary word, I am directing you to withdraw the word.

*(Interruptions)*

I have not heard you.

*(Interruptions)*

You withdraw.

**Mr Mohamed:** He should stand up and withdraw not sitting down.

**The Deputy Speaker:** He has withdrawn.

**Mr Mohamed:** On a point of order, I insist he stands up and withdraws, that is the parliamentary way of doing it. Either he does it the parliamentary way or the unparliamentary way.

**The Deputy Speaker:** Hon. Minister, please, resume your seat. Hon. Soodhun...

*(Interruptions)*

I am just talking to hon. Soodhun. You have uttered an unparliamentary word and the decorum is that you stand up and withdraw the word. Please stand up and then you withdraw.

*(Interruptions)*

Hon. Soodhun, you have uttered an unparliamentary word, you are agreeable to that and the decorum of the House...

*(Interruptions)*

Can you afford to remain silent please? The decorum of the House is that when you....

*(Interruptions)*

Hon. Bodha, you are his legal adviser?

*(Interruptions)*

Please listen to me first. The decorum of the House demands that the Member stands up and withdraws the word that I consider unparliamentary.

*(Interruptions)*

Please sit down. I am asking you to resume your seat please.

**Mr Mohamed:** Mr Deputy Speaker, Sir, I am not insisting.

**The Deputy Speaker:** No, I want him to stand up and withdraw.

**Mr Soodhun:** Mr Deputy Speaker, Sir, on a point of order...

**The Deputy Speaker:** No, no, I am sorry.

**Mr Soodhun:** Mr Deputy Speaker, Sir, on a point of order...

**The Deputy Speaker:** Please sit down. One point of order cannot be followed by other points of order. I have given my ruling. You have got to withdraw and the decorum of the House demands that you must stand up and withdraw.

**Mr Soodhun:** As I was sitting I said it. I stand I said it yes.

**The Deputy Speaker:** Okay very good. I want some silence now. Next question!

**Mr Obeegadoo:** The hon. Minister has not really answered to my last question, but B/703 Sir.

#### **NTC - BOARD**

**(No. B/703) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, having regard to the prevailing state of affairs at the National Transport Corporation, he will state if Government will consider –

- (a) the immediate re-composition of the Board thereof, and
- (b) bringing changes at the senior management level thereof.

**The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, as regards part (a), procedures regarding the recomposition of the NTC Board has already been initiated; the contract of the Chairman has been terminated.

As regards part (b), section 9 of the National Transport Corporation Act states that the Board may appoint, with the approval of the Minister on such terms and conditions as it thinks fit, such staff as may be necessary for the proper discharge of its functions.

Section 9(a) provides that the provision for the conditions of service of the staff, especially in respect of appointment, dismissal and discipline, shall rest with the Board subject to the approval of the Minister. Therefore, the onus of bringing any changes at the senior management level rests with the Board.

**Mr Obeegadoo:** May I know from the hon. Minister whether the Chairperson – this question did not relate to the Chairperson, but to the Board – has been dismissed because he stated on Sunday last that ‘Bachoo *est usé, il devrait prendre sa retraite*’, or is it because this morning or yesterday he would have said ‘Anil Bachoo *est un danger pour les Mauriciens*’?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I would refrain from passing comments because this question is very, very clear. It says: whether, having regard to the prevailing state of affairs at the National Transport Corporation, he will state if Government will consider the immediate re-composition of the Board. This is the question. As far as the comments that the hon. Member has passed, I have taken the matter to the Court. The Court will have to decide against the Chairman. I am not going to pass any comment on that, but I am only mentioning that the Board will be reconstituted, the Chairperson has already been removed. As far as the senior management level is concerned, that would be the responsibility of the new Board to look after that.

**Mr Baloomoody:** There is a representative of the Ministry on the Board. Can I ask the hon. Minister whether he will give instructions to that representative of the Ministry so as to ensure that he is changed at the level of top management?

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, my representative or as Minister I can give directives of a general nature. I have already stated that definitely changes will be brought, but that will have to pass through the Board. I will utilise such powers which are within my jurisdiction.

**Mr Ganoo:** The hon. Vice-Prime Minister used the words ‘the Chairman has been removed’. Can I ask him what are the reasons for which the Chairman has been removed? Was the Chairman given a hearing? Was he called and asked to give explanations before he was removed?

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, the contract had expired. The NTC Act empowers me to take decisions, and I have taken decisions in the right direction.

**Mr Bachoo:** Mr Deputy Speaker, Sir, the law allows me to take decisions. So, I have taken decisions. I bear all responsibility.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Vice-Prime Minister when the contract expired and whether there are other members of the Board whose contracts have also expired?

**Mr Bachoo:** Mr Deputy Speaker, Sir, as far as other members are concerned, two of them have already left. I don't have any other member whose contract had expired. As far as the Chairman is concerned, his contract expired last year but was on a month-to-month basis. That is allowed in law.

**Mr Bhagwan:** Can the population and the travelling public be given the assurance by the hon. Vice-Prime Minister that - as was the case in the past - the Board of National Transport Corporation will be given full independence to manage the Board, and there won't be any interference from his Ministry, on his part with regard to the day-to-day administration of the National Transport Corporation, the more so that his Permanent Secretary will now chair the Board?

**Mr Bachoo:** Mr Deputy Speaker, Sir, it has always been the case; the Board was free. From the Ministry's side, only directives of general nature were given. I am told that the Chairperson has proof in his hands. I would request him to go in public and show the proof where the Ministry had poked its nose directly in the day-to-day affairs. In fact, the Ministry's concern is to see to it that the game is properly played. That is all. No poking of the nose! I can give assurance to the House that things will improve.

**The Deputy Speaker:** Time is up, but I will allow the Leader of the Opposition to ask the final question!

**Mr Ganoo:** Can I ask the hon. Vice-Prime Minister whether the hon. Prime Minister was made aware of the decision of the Minister to remove the Chairman of the Board, and will he consider increasing the number of workers' representative on the Board?

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, I informed the hon. Prime Minister, definitely. He is the Prime Minister of the country; I have to inform him before taking any decision. As far as the question of increasing the number of members on the Board, that is a matter of the State; we have to look about it. The law was changed, if I am not mistaken, a few years back. There have been representations from the side of the workers to look into it. We will consider that.

**The Deputy Speaker:** Time is up! The Table has been advised that...

*(Interruptions)*

Time is up, I said!

*(Interruptions)*

Time is up! The Table has been advised that...

*(Interruptions)*

I want some order, please! Time has been up for four minutes now. We had to round off at 4.25 p.m. I have given four minutes extra time. It is not a PNQ.

*(Interruptions)*

The time is up, I said!

*(Interruptions)*

It is I who decide; I who give the ruling! The Table has been advised...

*(Interruptions)*

I want silence now! The Table has been advised that PQ Nos. B/704, B/707, B/713, B/714, B/721 and B/722 have been withdrawn.

### **NTC – BUSES – PURCHASE**

**(No. B/704) 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 buses purchased by the National Transport Corporation for each of the years 2006 to date, he will, for the benefit of the House, obtain from the Corporation, information as to the number thereof, indicating the –

- (a) number of
  - (i) tenders launched, and
  - (ii) name of the successful bidder, and
- (b) value of spare parts purchased.

*(Withdrawn)*

### **MOTION**

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

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I 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 half an hour for tea.

*At 4.30 p.m. the sitting was suspended.*

*On resuming at 5.05 p.m. with Mr Speaker in the Chair.*

## **PUBLIC BILLS**

### *First Reading*

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

- (i) *The Immigration (Amendment) Bill (No. XVIII of 2013)*
- (ii) *The Criminal Appeal (Amendment) Bill (No. XIX of 2013)*

### *Second Reading*

## **THE CRIMINAL APPEAL (AMENDMENT) BILL**

**(No. XIX of 2013)**

*Order for Second Reading read.*

**The Minister of Agro-Industry and Food Security, Attorney General (Mr S. Faugoo):** Mr Speaker, Sir, I move that the Criminal Appeal (Amendment) Bill (No. XIX of 2013) be read a second time.

Mr Speaker, Sir, the objective behind the present Bill is in fact to bring about the necessary changes in our law in order to modernise our criminal appeal system generally so as to bring it in line with current realities such as developments worldwide in the fields of law and scientific research. It therefore comes to add on to the reform process already started by this Government in our legal and justice systems.

Following recent cases, representations have been received from the Director of Public Prosecutions (DPP) for amendments to be made to the relevant law to allow him to appeal against an acquittal or a conviction for a lesser offence and to apply for a retrial where fresh and compelling evidence comes to light. He has pointed out that there exists no international human rights instrument which, in the case of an acquittal on the merits of the case, prohibits an appeal by the prosecuting authority or provides an acquitted person with the right not to have the acquittal set aside on appeal.

Government has considered those recommendations in the light of developments in this area in other Commonwealth jurisdictions, judgments of the Judicial Committee of the Privy Council and the European Court of Human Rights, and research papers by Law Reform Commissions both in Mauritius and abroad, and is of the view that –

- (a) it is anomalous that the DPP does not have the power to appeal from the dismissal of a charge by the Supreme Court, and he should be given that power,



- (b) in the light of developments especially in the fields of science and forensic technology, it would be in the interest of justice for a convicted person, or the DPP, to be allowed to apply to the Court for a retrial when fresh and compelling evidence comes to light.

In the light of the above, and more particularly and importantly, section 10(5) of our Constitution which provides that no person who shows that he has been tried by a competent Court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial of that offence, except upon the order of a superior Court in the course of appeal or review proceedings relating to the conviction or acquittal, it is therefore proposed to amend the Criminal Appeal Act (“the Act”) to –

- (a) firstly, allow the Director of Public Prosecutions to appeal against the dismissal of a charge or conviction for a lesser offence by the Supreme Court, and
- (b) secondly, provide for the Director of Public Prosecutions or a convicted person to make an application for review and retrial before the Court of Criminal Appeal.

Mr Speaker, Sir, I propose, first of all, to address the issue of the DPP being given the power to appeal against an acquittal or a conviction for a lesser charge by the Supreme Court.

May I, at the outset point out that, under the law as it stands in Mauritius, the DPP may appeal against the dismissal of a charge by a District Court or the Intermediate Court, but not by the Supreme Court. It is worth emphasising that not all criminal cases heard at first instance before the Supreme Court are heard by a Judge and jury. Indeed, section 10 of, and the Fifth Schedule to, the Criminal Procedure Act provide for a list of offences which may be tried by the Supreme Court without jury and which include offences under the Piracy and Maritime Violence Act, the Prevention of Terrorism Act and, more importantly, the Dangerous Drugs Act. I am, in that regard, informed that, since 2009, at least 5 drugs cases have been dismissed by the Supreme Court without the DPP being able to appeal against same, even where the judgment may be considered to be wrong in law or perverse and untenable on the facts. This is clearly an anomalous situation, which had to be rectified in the interest of justice.

With regard to jury trials, the fact is that, under the old rules of common law, prosecution had no right to appeal against a jury’s verdict of not guilty on a trial by indictment. We all know, however, that verdicts of juries can at times be so unreasonable that they cannot be allowed to stand. The common law has therefore, in varying degrees, been modified by statute both in the UK and the Commonwealth generally, as highlighted in the Report of the South African Law Reform Commission on “The Right of

the DPP to appeal on questions of fact” [2000]. Indeed, in many countries, including the UK, provision is now made for appeals against so-called “tainted acquittals” and perverse verdicts.

I understand that there may be strong reservations with respect to the power being given to the DPP to appeal against an acquittal following a trial by jury. I agree that, as far as possible, the verdict of the jury should be respected unless it is manifestly perverse or unreasonable, or the learned Judge has given a substantial misdirection in the course of the summing-up. I propose to move an amendment to provide that the DPP should only be able to appeal against such verdicts on those limited grounds, that is, it is manifestly perverse or unreasonable.

Mr Speaker, Sir, I wish to inform the House that the DPP has been given the power to appeal against acquittals in a number of Commonwealth jurisdictions, including Trinidad and Tobago, St Vincent, the Cayman Islands, Bahamas, Dominica and St Kitts and Nevis, as well as in the United Kingdom and several Australian States.

This is in line with the case of *State v Boyce* (Trinidad and Tobago) [2006] UKPC 1, in which the Judicial Committee considered the constitutionality of the right of the Director of Public Prosecutions to appeal against a judgment or verdict of acquittal of a trial court and observed as follows –

“Their Lordships (...) would accept that the broad principle that a person who has been finally convicted or acquitted in proceedings which have run their course should not be liable to be tried again for the same offence is a fundamental principle of fairness. It is recognised as such in many Constitutions (see, for example, section 20(8) of the Constitution of Jamaica) and in international human rights instruments: see, for example, Article 14.7 of the UN International Covenant on Civil and Political Rights and Article 4 of the Protocol No. 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. But they do not think that the principle is entirely without exceptions (see, for example, Article 4.2 of Protocol No. 7) and they certainly do not think that it is infringed by the prosecution having the right to appeal against an acquittal. The possibility of such an appeal is accommodated in the qualification of the principle (“save upon the order of a superior court made in the course of appeal proceedings relating to the conviction or acquittal”) in all the Caribbean Constitutions to which their Lordships were referred (Jamaica, Barbados, the Bahamas, Grenada, Dominica, Saint Lucia, Saint Vincent and the Grenadines, Guyana, Antigua, Barbuda, Belize, Anguilla, St Christopher and Nevis, Turks and Caicos Islands and Montserrat) as well as the international instruments which their Lordships have mentioned”.

Their Lordships therefore considered that –

“There is nothing particularly unfair or unjust about a statutory rule which enables an appellate court to correct an error of law by which an accused person was wrongly discharged or acquitted and order that the question of his guilt or innocence be properly determined according to law.”

Closer to Mauritius, the South African Law Reform Commission in its Report on “The Right of the DPP to appeal on questions of fact” in 2000 recommended, after a comparative review of the law in Commonwealth systems and in continental countries and after examining the human right implications as well as the arguments for and against a general right of appeal for the DPP, that provision be made for the Director of Public Prosecutions to appeal on questions of fact as well as law.

Mr Speaker, Sir, I now turn to the other major amendments, that is, those providing for review of proceedings and retrial.

Since fresh and compelling evidence may come to light many years after the delay for appealing has expired or even after an appeal has been heard, it is proposed to provide in the Act for the possibility of an application for review being made by the Director of Public Prosecutions or a convicted person to the Court of Criminal Appeal, which will determine whether there should be a retrial in the light of fresh and compelling evidence which has become available, as well as the likelihood that the retrial will be fair, having regard to the circumstances, including the length of time since the commission of the offence.

Reference may here be made to the Criminal Justice Act 2003 of the United Kingdom which has introduced provisions permitting an accused to be retried for a “qualifying” offence of which he has earlier been acquitted where there is new evidence of his guilt, following an order of the Court of Appeal quashing that acquittal. These provisions constitute a major statutory exception to the rule against double jeopardy and it is worth noting that they apply equally to acquittals before and after the passing of the Criminal Justice Act 2003, under which the Court of Appeal must order a retrial if there is new and compelling evidence in the case and it is in the interests of justice for an order to be made.

Much will no doubt be said, Mr Speaker, Sir, about the alleged unconstitutionality of this Bill. I have earlier referred to section 10 (5) of our Constitution which itself clearly provides for the possibility of retrial upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal. There is therefore no need to amend the Constitution to provide for retrial in the circumstances envisaged, as advocated in some quarters. Had section 10(5) of the Constitution not provided for an exception envisaging retrials upon the order of a superior Court in the course of appeal or

review proceedings relating to the conviction or acquittal, this Bill would no doubt have been unconstitutional.

May I also refer to the judgment of the European Court of Human Rights in the case of *Xheraj v Albania* (2008) in which the European Court observed as follows -

“The requirements of legal certainty are not absolute. A departure from that principle is justified only when made necessary by circumstances of a substantial and compelling character or if serious legitimate considerations outweigh the principle of legal certainty (...) the mere possibility of reopening a criminal case is compatible with the Convention including the guarantees of Article 6.”

I need hardly remind the House, Mr Speaker, Sir, that section 10 of our Constitution is modelled on Article 6 of the European Convention on Human Rights.

Further, the Law Reform Commission of Mauritius has, in its Report on “Mechanisms for Review of Alleged Wrongful Convictions or Acquittals” in 2012, observed as follows -

“The Commission is of opinion that the current system of criminal appeals for a person who has been wrongfully convicted, or who has been subject to a gross miscarriage of justice, to challenge his or her conviction may not be fully compatible with the right to a fair trial as set out in Article 14(5) CCPR, 1 in particular the right to introduce fresh evidence. Difficulties would arise where new or fresh evidence, which bears on the original finding of guilt or the fairness and/or probity of the original proceedings, becomes available after the appeal process has been exhausted.

Under our legal system, no retrial is permissible and pardon remains the only recourse available for a convicted person, even if fresh evidence conclusively shows that the conviction was pronounced erroneously.

The rule against double jeopardy, as enshrined in section 10(5) of the Constitution, is not absolute. Similarly, Article 4(2) of Protocol 7 to the European Convention on Human Rights (ECHR) permits the reopening of an acquittal where new evidence of the defendant’s guilt has become available.”

The Law Reform Commission goes on to recommend as follows -

“Bearing in mind the constitutional and human rights implications, and taking into account developments in other jurisdictions, the Commission has formed the opinion that the rule against

double jeopardy could be relaxed. The Commission therefore recommends that legislation could be adopted creating an exception to the rule against double jeopardy by providing for the re-trial – upon the order of a superior court - of a person previously acquitted when there is compelling evidence of a "tainted acquittal" or "fresh and compelling evidence" as to guilt. There should be, however, sufficient safeguards to ensure that the power to quash an acquittal would not be abused."

Moreover, Mr Speaker, Sir, as pointed out in the Report of the Law Reform Commission of Hong Kong on "Double Jeopardy", at paragraph 2.14 –

"While there are sound justifications for the rule against double jeopardy, powerful arguments also exist in favour of relaxing that rule in certain circumstances. The most obvious is where new and compelling evidence is brought to light after the completion of the original proceedings which points to the guilt of an acquitted defendant. This situation is increasingly likely to arise with the rapid advances in recent years in the scope and quality of scientific evidence, particularly DNA testing, which offers persuasive evidence which was not previously available. There may also be circumstances where other compelling evidence comes to light after the conclusion of the original trial, perhaps from a newly identified witness or any documentary source."

It may further be noted at paragraph 2.28 of the said Report that -

"It would appear to be the general consensus of a number of common law jurisdictions and commentaries that a relaxation of the rule against double jeopardy can be justified if there are exceptional circumstances. The reforms adopted or proposed in various jurisdictions including England, New South Wales, New Zealand and Queensland, ... are that an acquitted person can be brought to trial again for the same offence if the offence is, *inter alia*, a serious one and the evidence against the acquitted person is of a sufficiently strong character (formulated in various statutes by reference to its being "new", "fresh" or "compelling"). The question, then, is on what juridical basis such an exception can be justified under the relevant human rights and constitutional legislation. ... In our view there already exists in the current human rights jurisprudence a sufficient basis for the creation of an exception to a right guaranteed by the Basic Law and the (International Covenant on Civil and Political Rights)...".

The Hong Kong Law Reform Commission, therefore, recommended, *inter alia*, that the Court should be empowered to make an order to quash an acquittal and direct a retrial where -

- (a) there is "fresh" and "compelling" evidence against an acquitted person in relation to a serious offence of which he was previously acquitted, or

(b) the acquittal is tainted.

It is to be noted, Mr Speaker, Sir, that the issue of “retrospective effect” of retrials was also addressed in the Hong Kong Law Reform Commission Report, at paragraph 3.188, which reads as follows -

“We have considered whether the relaxation of the rule against double jeopardy in Hong Kong should apply to acquittals taking place before the reform comes into effect or not. If the relaxation does not have such an effect, there would be no opportunity to rectify unjust acquittals made before the commencement of the relaxation, bearing in mind that there may be developments in forensic science, and fresh and compelling evidence or the fact of a tainted acquittal may be unearthed, only years after an unjustified acquittal (which had taken place before the exception comes into force). ...”.

Furthermore, at paragraph 3.190 of the Report, it is also clarified that in the event retrials take place -

“an acquitted person would not be retried for an act that did not constitute an offence at the time of commission. Nor would the proposal have the effect of imposing a heavier penalty. In this regard, we emphasise that the use of the description “retrospective” in some of the discussions or commentary must not be mistaken as carrying the connotation of punishing someone for doing an act that was not criminal at the time of the commission.”

The Hong Kong Law Reform Commission was, therefore, of the opinion that -

“if the proposed relaxation only applies to acquittals after the relaxation, unjustified acquittals made before the relaxation cannot be rectified. This runs counter to the main purpose of the criminal justice system of bringing those who are responsible to justice, and that would dampen public confidence in the system”

(That is at Paragraph 3.191 of the Report).

The Report, therefore, recommends that relaxation of the rule against double jeopardy under both the “fresh and compelling evidence” limb and the “tainted acquittal” limb should apply to acquittals ordered before and after the relaxation either by Hong Kong courts or courts in other jurisdictions.

Mr Speaker, Sir, for the avoidance of doubt, I shall, at Committee Stage, move an amendment to the Bill to make it clear that the Act, once passed, will apply whether a person was or is convicted, or acquitted, before or after the commencement of this Act.

Mr Speaker, Sir, having lengthily explained the rationale behind the legal basis for the present piece of legislation, I shall now take the House through the salient features of the Bill, indicating, as I proceed, the changes and new provisions which the Bill proposes to bring.

First of all, Clause 3 of the Bill seeks to amend section 2(1) of the Act (i.e the Interpretation section), in the definition of “appellant”, which presently refers only to a convicted person so as to also include, where appropriate, the Director of Public Prosecutions.

Clause 4 of the Bill, for its part, seeks to amend section 3(2) of the Act to provide that the Court of Criminal Appeal shall be duly constituted by 3 Judges not only for the purpose of hearing and determining appeals, but also for the hearing and determining of applications for review, which now falls within the jurisdiction of the Court of Criminal Appeal.

As regards clause 5 of the Bill, Mr Speaker, Sir, it seeks to amend section 5 of the Act which deals with the “Right of appeal” and which presently provides that the Director of Public Prosecutions may only appeal against the imposition of any sentence by the Supreme Court, so as to now provide that the Director of Public Prosecutions may also appeal to the Court of Criminal Appeal against an acquittal or a conviction for a lesser offence. The proposed section 5(2), under clause 5 of the Bill, will therefore allow the Director of Public Prosecutions to appeal to the Court of Criminal Appeal against a final decision of the Supreme Court where -

- (a) a charge has been dismissed;
- (b) a person has been convicted for a lesser offence than the one with which he was charged, or
- (c) he is of opinion that the sentence passed is wrong in law or unduly lenient.

The above provision, Mr Speaker, Sir, will thus reinforce our fight against crime by ensuring that offenders do not go scot-free or get a lesser punishment than the one which they really deserve, especially where serious crimes are concerned.

Insofar as the powers of the Court of Criminal Appeal are concerned, it may (by virtue of the proposed new subsection (2A) of section 6, under clause 6 of the Bill), on an appeal against -

- (a) the dismissal of a charge -

- (i) affirm or reverse the dismissal of the Supreme Court and substitute therefor the appropriate determination or order a new trial; or
- (ii) declare the trial to be a nullity and order a fresh hearing where the Court is of opinion that a serious irregularity has occurred;
- (b) also, where a conviction for a lesser offence than the one with which a person was charged -
  - (i) affirm or reverse, amend or alter the conviction, order or sentence and substitute therefor the appropriate determination or order a new trial, and may, if the order made or sentence passed is one with which the Supreme Court had no power to make or pass, as the case may be, amend the judgment by substituting for the order or sentence such order or sentence as the Supreme Court had power to make or pass, as the case may be; or
  - (ii) again, declare the trial to be a nullity and order a fresh hearing where the Court is of opinion that a serious irregularity has occurred.

Considerable powers are therefore being given to the Court of Criminal Appeal, Mr Speaker, Sir, so as to allow the Court to exercise its powers in accordance with the merits of a case and thus ensure that justice is done appropriately once truth comes to light in any particular case.

Under clause 7, section 9(1) of the Act (which provides that a convicted person must give notice of appeal within a period of 21 days of the date of conviction) is sought to be amended to also impose this time limit on the Director of Public Prosecutions where he now decides to appeal against the dismissal of a charge under the proposed section 5(2) of the Act.

Mr Speaker, Sir, the other major amendment to the Act is found in clause 8 of the Bill, which introduces new section 19A in the Act and which makes provision for applications to the Court of Criminal Appeal for review and retrial. Thus, by virtue of the proposed section 19A(1), where a person has been acquitted following a trial before the Supreme Court or appellate proceedings before the Court of Criminal Appeal, the Director of Public Prosecutions may apply to the Court of Criminal Appeal for a review of the proceedings relating to the acquittal. The Court of Criminal Appeal shall then, under the proposed section 19A(4), grant the application for review and order a retrial where it is satisfied that -

- (a) there is fresh evidence and compelling evidence in relation to the offence or a lesser offence, and
- (b) it is likely that the retrial will be fair, having regard to the circumstances, including the length of time since the offence is alleged to have been committed.



It is to be noted, Mr Speaker, Sir, that fresh evidence is defined as evidence which was not adduced at the trial of the offence and could not, with the exercise of reasonable diligence, have been adduced at the trial, while compelling evidence is defined as evidence which is reliable, substantial and highly probative in the context of the issues in dispute at the trial.

As regards the apprehension of some lawyers that fabricated evidence will be passed off as fresh and compelling evidence by the police, I wish to emphasise that our Judges are well trained in assessing the weight and admissibility of evidence and the fair trial requirements of our Constitution imply rigorous cross examination of prosecution witnesses by Defence Counsel. This is the best safeguard against fabricated evidence, Mr Speaker, Sir.

It is apposite to point out, Mr Speaker, Sir, that fresh evidence will only be admissible in connection with an application for a retrial if it could not have been obtained with reasonable diligence at the time of the original trial. Therefore, if an investigating authority, including the Police, conducts an amateurish enquiry leading to the acquittal of an accused, the question of re-opening the enquiry on the basis of evidence which could have been obtained with reasonable diligence does not arise.

The proposed section 19A(2), for its part, confers upon a convicted person the same right to apply for a review of proceedings where he has been convicted following a trial before the Supreme Court or appellate proceedings relating to the offence before the Court of Criminal Appeal - the convicted person may thus apply to the Court of Criminal Appeal for a review of the proceedings relating to the conviction.

I should add that consideration will be given to providing, in the forthcoming Judicial and Legal Provisions Bill, for a person acquitted or convicted before the Intermediate Court or a District Court to make an application for review and retrial in the circumstances provided for in this Bill.

Finally, insofar as the procedure relating to applications for review of proceedings are concerned, such applications shall be made in accordance with Rules of Court. May I, in this regard, highlight that the Bill quite deliberately does not provide for a time-limit within which applications for review are to be made, for the simple reason that fresh and compelling evidence may come to light 6 months or 30 years after a conviction or an acquittal. Instead of prescribing a time-limit which may well result in meritorious applications not being made, we have instead provided for the Court to assess, on a case by case basis, the likelihood that retrial will be fair, having regard to all circumstances, including the length of time since the commission of the offence.

Mr Speaker, Sir, as pointed out by the English Law Commission in its Report on Double Jeopardy and Prosecution Appeals (2001), at paragraph 4.5 (and quoted at paragraph 2.16 of the Hong Kong Law Reform Commission Report referred to earlier) –

*"There is ... the spectre of public disquiet, even revulsion, when someone is acquitted of the most serious of crimes and new material (such as that person's own admission) points strongly or conclusively to guilt. Such cases may undermine public confidence in the criminal justice system as much as manifestly wrong convictions."*

Mr Speaker, Sir, the amendments which are sought to be brought to our law today as regards the powers of the DPP to appeal against acquittals and convictions for a lesser offence and the introduction of applications for review and retrial in our law mark yet another milestone in our criminal justice system - which will undoubtedly serve to avoid possible miscarriages of justice and ensure that the rule of law, upon which our whole Constitution is based, is further upheld in this country.

I therefore sincerely believe, Mr Speaker, Sir, that the amendments being proposed today ought to be favourably welcomed.

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

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

**Mr Ganoo:** Mr Speaker, Sir, I move for the adjournment of the debate.

**Mr Uteem rose and seconded.**

*Question put and agreed to.*

*Debate adjourned accordingly.*

#### **ADJOURNMENT**

**The Prime Minister:** Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 19 July 2013 at 3.30 p.m.

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

**Mr Speaker:** The House stands adjourned.

## MATTER RAISED

(5.35 p.m.)

### MONT ROCHES & BEAU BASSIN - METHADONE DISTRIBUTION - COMPLAINTS

**Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):** M. le président, je viens aujourd'hui solliciter la bienveillante attention de la Chambre pour aborder un problème qui, je le concède, est fort délicat. Cependant, j'estime qu'il vaut mieux en discuter froidement au lieu de se voiler la face et prétendre qu'un tel problème n'existe pas jusqu'à ce qu'il vient nous surprendre avec une tournure dramatique.

Je fais ici référence aux nombreuses plaintes enregistrées auprès du voisinage des points de distribution de la méthadone. Je me fais aujourd'hui le porte-parole des habitants de Beau Bassin de la région de Mont Roches, en mon nom personnel, et aussi de mes deux collègues, l'honorable Li Kwong Wing et l'honorable Quirin.

M. le président, de nombreux membres de cette Chambre ont sûrement reçu des doléances provenant de leurs mandants, à ce sujet, tandis que la presse a, en de nombreuses occasions, fait état des problèmes que rencontrent les habitants du voisinage des points de distribution. Nous savons que malgré ces imperfections, la distribution gratuite de la méthadone demeure un élément crucial de la stratégie nationale dans la gestion de la toxicomanie et il n'est nullement de mon intention d'évoquer aujourd'hui la pertinence de cette stratégie dans le contexte actuel mais, par contre, je souhaite évoquer les problèmes que rencontrent les habitants qui vivent dans le voisinage des points de distribution de la méthadone.

Mr Speaker Sir, as I said, I am intervening on behalf of my colleagues and on behalf of the inhabitants of Mont Roches area, particularly, and those of Beau Bassin Centre, Pope Hennessy Street.

Mr Speaker, Sir, the inhabitants of these regions are very much concerned with the state of affairs which is prevailing every day. On every single morning of the week, including Sundays and public holidays, the Brown Sequard Mental Health Centre distributes the methadone and other similar treatments to individuals undergoing rehabilitation for drugs misuse.

However, after having received the said treatment from 40 to 50 individuals would rather group themselves in a nearby municipal garden for the whole daytime from morning to evening. This has become a public nuisance. These said individuals, Mr Speaker, Sir, often swear and physically fight among themselves, often using weapons in public. They create much noise and disturbance by playing loud music. They urinate in public. They cause public disorder, disruption of the life of the community. They cause nuisance and great distress throughout the day not only to the nearby residents, but also to

road users including school children and college students on their way to and from schools and colleges. Visitors and staff proceeding to and from the Central Prison of Beau Bassin and visitors and staff proceeding to and from Brown Sequard Mental Health Centre by foot everyday are being harassed.

We have strong reasons to believe that some of these said individuals are consuming psychotropic drugs and empty wrappers drug foil containers, empty cough mixture bottles and shooting syringes are just littered within the Municipal garden and the surroundings. We even suspect that some of these individuals are engaging in drug dealings at the said Municipal garden.

Mr Speaker, Sir, the inhabitants of the region have written to the Commissioner of Police. I have intervened, myself, as well as my colleagues and we have sent petition to the Commissioner of Police, the Ministry of Health and Quality of Life and other responsible authorities.

I must say, Mr Speaker, Sir, that I raised the issue with the Minister of Health and Quality of Life. I must thank him for having acted and listened to our suggestion. What we are saying is that we are not against the distribution of methadone, but we have to find *une solution durable*.

So, we have proposed a site within the ex-Borstal in Beau-Bassin which is under the responsibility of the Ministry of Social Security, which is adjoining Barkly (Housing Estate) and, according to us and according to our experience on the field, this site is the most suitable site to house this unit of the distribution of methadone. The Minister has delegated officers of his Ministry to visit the site and we have even intervened with the Municipality of Beau Bassin/Rose-Hill to give a helping hand in terms of equipment, in terms of cleaning and changing the environment of the site if Government approves.

The purpose of my raising this, Sir, we have raised the issue with the Minister of Health. The Minister has acted. My appeal is to other Ministers responsible for the buildings and other responsibilities even to the Commissioner of Police which falls under the Prime Minister's Office, at least, to give a helping hand so that Government can take a decision and within the coming month to open this new distribution centre in the interest of one and all for security aspects; for the security of the inhabitants of Mont Roches and Beau Bassin centre and also in the interest of those victims of the drug barons. I can say they are victims and are being harassed not only by the dealers, but regularly the Police are being called upon. They are even harassed by the Police rightly so for the nuisance which they are causing.

So, my appeal is to the Minister of Health, through him the Minister of Social Security if, at least, they can expedite matters in the interest of the people leaving in the region of Mont Roches particularly and those attending Brown Sequard hospital. Thank you.

**Mr Bundhoo:** Mr Speaker, Sir, my hon. colleague has spoken with me a couple of times and as he has mentioned, several of his colleagues parliamentarians, in fact, I must say from both sides of the House, have spoken with me a few times for this matter.

*(Interruptions)*

It is factual. It is correct my friend and also the Prime Minister who has requested me to rethink with regard to the issue of methadone. In fact, I very much appreciate the tone with which hon. Bhagwan has addressed this issue and I also thank him for having thanked the Government for having taken the bold measure in 2006 with regard to the introduction of the methadone substitution therapy.

For the benefit of the House, I would wish to inform the House as rightly said that when it was introduced in 2006, only 25 were on the programme at the Beau Bassin region. In 2009, it increased to 249 and amazingly enough by 2012, it has increased to 545. Today, from the figures I have gathered this morning; it is almost 569 beneficiaries on only one site in Beau-Bassin. I am not going to delve into the reasonings why it is so and how it has helped with regard to the reduction of HIV/AIDS and all. I have talked about this several times. The site mentioned by hon. Bhagwan serves the regions of Mont Roches, Barkly, Roches Brunes, Cité Richelieu, Coromandel and Petite Rivière and the dispensing time which used to be from 0600 hours to 0900 hours has now been changed from 0600 hours to 1200 hours precisely because of the increase in numbers.

I have to say and I acknowledge that hon. Bhagwan has made several representations to me. I have received petitions from the office of hon. Bhagwan and private individuals. Similarly hon. Dr. Beebeejaun, hon. Shakeel Mohamed, hon. Uteem, hon. Mrs Bappoo, hon. Mrs Labelle, hon. Ms Anquetil have spoken to me with regard to this and even hon. Patrick Assirvaden.

Allow me to rush through because we are going to break for the 'fast' in a few minutes. Let me tell you, Mr Speaker, Sir, what measures we have taken. First of all, I must say one thing here; only one person has provided me with an alternative place and this credit must go to hon. Bhagwan because he has not only asked me to withdraw it where it is, but he has also given me the place, the alternative where to transfer it to. He is the only one who has done that and I must thank him for that. Since he has done that, I must say that I have sent a team...

*(Interruptions)*

Since hon. Bhagwan has spoken to me, I have sent a team of my officers to Barkly. They visited the place and I have reported back to hon. Bhagwan. I have taken up the matter with hon. Mrs Bappoo and she has agreed to give us the location. Once the place is vested to me, I am going to request the Vice-Prime Minister to look into it and to do it.

Let me say this very quickly, subsequent to the number of representations received from some Ministers and various Members of the National Assembly as well as from the community in the localities where methadone is being dispersed and the hon. Prime Minister requested me to seek support from renowned international organisations in the field of methadone to assess the current situation and make appropriate recommendations for the review of the methadone distribution in Mauritius.

In this respect, Professor Zullino and Dr. Khan, both experts and responsible for the Methadone Substitution Therapy Programme of “*Hopitaux Universitaires de Genève*” visited Mauritius in November 2012. They have submitted recommendations for improving the distribution of methadone.

Moreover, during my mission in Geneva in May 2013 while I was attending the World Health Assembly, I seized the opportunity to discuss the methadone distribution programme with Dr. Poznyak, WHO Coordinator of the Management of Substance Abuse. The WHO has agreed to provide technical support for the setting up of a comprehensive Substance Abuse Unit within my Ministry.

**Mr Speaker:** Hon. Minister, I am sorry to interrupt you. Hon. Bhagwan has spoken about a specific spot, confine yourself to it!

**Mr Bundhoo:** Mr Speaker, Sir, with due respect to you and to the Chair, but when the hon. Member raised the issue and about other Members you did not stop him, then I have to reply with regard to the other Members also. Just allow me two minutes.

**Mr Speaker:** Hon. Minister, I am on my feet. Be fast because I have to break my fast.

**Mr Bundhoo:** Therefore, the World Health Organisation has agreed to provide technical support for the setting up of a comprehensive Substance Abuse Unit within my Ministry. Besides, I also visited the methadone dispensing service posted in Geneva.

Some interim measures that we have taken: we have installed CCTV cameras; introduced guard rails and enlisted the support of Peer Leaders. Moreover, we have set up a Multi-Sectoral Committee in order to look into it composed of officers from the Prime Minister’s Office, my Ministry and other relevant Ministries as well as the representatives of the National AIDS Secretariat, NATReSA, NGOs, *Forces Vives* and UN Agencies in Mauritius.

Thank you Mr Speaker, Sir.

**Mr Speaker:** Thank you.

*At 5.51 p.m., the Assembly was, on its rising, adjourned to Friday 19 July 2013 at 3.30 p.m.*

## WRITTEN ANSWERS TO QUESTIONS

### MURDER CASE M. M. A. H. – INQUIRY

**(No. B/686) 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 the M. M. A. H. murder case, 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.

**Reply:** I wish to refer the hon. Member to the reply I made to Parliamentary Question No. B/327 on 21 May 2013 wherein I informed the House that the Police has reopened the enquiry in the murder case of M. M. A. H.

The Police has sought assistance for the examination of further forensic evidence. To this effect, 22 exhibits have been sent to *Laboratoire d'Hématologie Médico Légale* of Bordeaux, France, for examination. The report from the Laboratory is being awaited.

Government is leaving no stone unturned in order to shed light on the events having led to the most unfortunate demise of M. M. A.H and to bring the culprits before justice.

### MR Y. N. V. – ALLEGED ASSAULT – INQUIRY

**(No. B/687) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the case of alleged conspiracy to pervert the course of justice, in which Mr Y. N. V. is allegedly involved, 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 if a senior adviser to the Prime Minister's Office is allegedly involved therein.

**Reply:** I shall reply to Parliamentary Question Nos. B/687 and B/690 together as they relate to the same matter.

I am informed by the Commissioner of Police that the enquiry into the case of Alleged Conspiracy in which Mr Y.N.V. is allegedly involved is well underway. So far statements have been taken from 14 persons and a provisional charge of "Conspiracy" has been lodged against three persons.

The House would appreciate that it would not be in order for me to give either detailed information on the Police enquiry into the case or the names of persons against whom provisional charges have been lodged. Matters such as who has been interviewed and why certain persons are or are not being interviewed or questioned by the Police relate to purely operational aspects in relation to a specific investigation. These are matters falling within the judgment of the Commissioner of Police and the enquiring officers, and I cannot and will never interfere with their judgment.

As in the normal course of things, on completion of the enquiry, the matter will be referred to the Director of Public Prosecutions for appropriate action.

### **ILE AUX CERFS – INCIDENTS**

**(No. B/688) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a case has been reported regarding incidents which have allegedly taken place, at Ile aux Cerfs, in which the Touessrok Hotel, bouncers and hawkers are allegedly involved and, if so, indicate if an inquiry has been carried out thereinto and the outcome thereof.

*(Vide reply to PQ No. B/685)*

### **GAMBLING & AMUSEMENT HOUSES - HIGH LEVEL COMMITTEE**

**(No. B/689) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the High Level Committee set up to look into the issue of gambling and amusement houses, he will state if it has submitted its report and, if so, indicate if same will be rendered public.

**Reply:** Let me right at the very outset remind the House that the issue of gambling houses and their relocation has been raised in this very House on several occasions, particularly by hon. Ms Deerpalsing, and this led to the revocation by the Gambling Regulatory Authority of the licence of Ti-Vegas as its premises were no longer suitable for the purpose for which it had been licensed.



I now refer the hon. Member to the reply I made to Parliamentary Question Nos. B/165 on 12 April 2011 and B/420 on 31 May 2011 where I informed the House that Government had set up a High-Level Committee, to examine the issue of proliferation of gaming houses and discotheques in the country.

I also informed the House that Government had instituted a Technical Committee under the chairmanship of the Secretary to Cabinet and Head of the Civil Service to examine the consequences of the proliferation of gaming houses and discotheques and to make recommendations to the High-Level Committee.

As I have already indicated to the House in my previous replies, the Technical Committee has submitted its report in which it has made numerous recommendations covering various operators in the gambling industry to mitigate the unintended consequences of gambling activities in the country.

In the light of the recommendations of the Technical Committee, a decision has already been taken and a site identified for the relocation of all gambling houses. Steps are being initiated for a proper Environment Impact Assessment, including a Social Impact Assessment, to be carried out.

One of the main recommendations of the Technical Committee is not to issue any new licence in respect of gambling activities.

I wish to reiterate to the House that, since then the Gambling Regulatory Authority has not been issuing any such licence.

I am further informed by the Gambling Regulatory Authority that, the number of gaming houses of Category “A” has decreased from 23 in the year 2010 to 20 as at to date.

There are four gaming houses of Category “B” today as opposed to eight in the year 2010.

The number of Gaming Machines which stood at 2,045 in the year 2010 is now 1,779.

In regard to Amusement Houses, I am informed by the Authority that these are premises where amusement machines with prizes are in operation. In December 2011, the Gambling Regulatory Act concerning Amusement Machines with prizes was repealed and replaced by the Limited Payout Machines by way of the Finance Act 2011.

Currently, there is only one company operating Limited Payout Machines. The number of outlets where Limited Payout Machines are located has been reduced from 39 in the year 2011 to 37 as at to date.

The number of Limited Payout Machines in the outlets has been reduced from 887 in the year 2011 to 846 as at to date.

I am also informed by the Chief Executive of the Gambling Regulatory Authority that licence fees for certain category of gambling activities have been increased with effect from January 2011 in the range of 50% to 900%. As a matter of fact, the licence fee for a gaming house of Category “A” in Mauritius has been increased from Rs500,000 to Rs3.5 m., that is, by 600%.

With effect from June 2012, the licence fee for a Limited Payout Machine has been increased from Rs500 per machine to Rs5,000 per machine, that is, by 900%.

Major amendments have also been brought to the GRA Act in the Finance Act 2012 to –

- (a) increase security furnished by licensees from Rs800,000 to Rs1.2 m. as from 01 July 2013, in respect of casino, gaming house “A”, bookmakers conducting fixed odds betting on local horse race and football matches played outside Mauritius;
- (b) impose a penalty fee of 50% for late renewal of licence, and
- (c) revoke the licence if payment is not effected within 15 days.

In addition, bookmakers conducting fixed odds betting through remote communication and bookmakers conducting fixed odds betting on football matches taking place outside Mauritius have been connected to the central server which is now under the responsibility of the Mauritius Revenue Authority.

Crack down exercises are being carried out by the GRA Inspectorate Team with a view to tracing out illegal operators of Limited Payout Machines.

I am also informed by the Ministry of Tourism and Leisure that it has introduced new guidelines for the operations of nightclubs (including discotheques) and private clubs. The guidelines, approved by Government in February 2012, provide all the main operating conditions for nightclubs (including discotheques) and private clubs, such as site location, facilities to be provided, security aspects as well as health and environmental requirements.

The report of the Technical Committee is a working document intended for internal consumption. It is not proposed to render it public.

## **MR Y. N. V. – ALLEGED ASSAULT CASE – STATEMENTS**

**(No. B/690) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the case in which Mr Y. N. V. is allegedly involved, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of persons from whom statements have been taken by the Central Criminal Investigation Department as at to date, indicating –

- (a) the names of those against whom a provisional charge has been lodged, and
- (b) if a statement has been taken from a special adviser to the Prime Minister's Office, whose name was mentioned during the inquiry in relation thereto and, if not, why not.

*(Vide reply to PQ No. B/687)*

## **POLICE FORCE – PROMOTION EXERCISE**

**(No. B/691) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Mauritius Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in relation to the promotion exercise from the grade of –

- (a) Inspector of Police to that of Chief Inspector of Police, and
- (b) Chief Inspector of Police to that of Assistant Superintendent of Police, respectively.

**Reply:** I have on many occasions informed the House that promotion in the Police Force falls under the purview of the Disciplined Forces Service Commission.

I also wish to point out that Police have started a major promotion exercise. Since 2011, 1,138 officers have been promoted in the different grades –

	<u>Grades</u>	<u>No. of Officer promoted</u>
(i)	Deputy Commissioner of Police	3
(ii)	Assistant Commissioner of Police	13
(iii)	Superintendent of Police	38
(iv)	Deputy Assistant Superintendent of Police	3
(v)	Inspector of Police	120
(vi)	Woman Police Inspector	2
(vii)	Police Cadet Inspector	11
(viii)	Sub Inspector	78
(ix)	Woman Sub Inspector	5
(x)	Police Sergeant	257
(xi)	Woman Police Sergeant	9
(xii)	Police Corporal	592
(xiii)	Woman Police Corporal	7
	<b>Total</b>	<b>1138</b>

In regard to parts (a) and (b) of the question, I am informed that the Commissioner of Police is initiating necessary action, in accordance with procedures, to fill vacancies in the various grades.

### **CHAGOS ARCHIPELAGO – MAURITIUS SOVEREIGNTY**

**(No. B/692) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Chagos Archipelago, he will state if he is aware that the Government of the United Kingdom has taken a new initiative to commission a feasibility study on the resettlement of the community thereof and, if so, will he use his good offices to obtain information as to the findings thereof.

**Reply:** We have always maintained and said that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of Mauritius. The former inhabitants of the Chagos Archipelago are Mauritian citizens and as such have the right to live in any part of Mauritius. However, the former inhabitants of the Chagos Archipelago, like other Mauritian citizens, are barred from doing so because of the unlawful control of the United Kingdom over the Chagos Archipelago.

I am informed that in a written statement made on 08 July 2013 to the House of Commons, hon. Mark Simmonds, UK Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, announced the intention of the UK Government to commission a new feasibility study on the resettlement of the Chagos Archipelago.

Hon. Simmonds also stated that British officials are meeting with a wide range of interested parties and that the results of the consultations would inform directly the detailed shape of the new study. He further mentioned that the UK Government intended to make the remit of the study as broad as possible, so that all the relevant issues are given full and proper consideration.

Referring to the fact that the last feasibility study commissioned by the UK Government had taken eighteen months, hon. Simmonds indicated that the new study was unlikely to be concluded any more quickly.

Since the study has not yet been undertaken, the question of obtaining information as to the findings thereof does not arise.

In any case, the only Government which has the lawful authority to determine issues relating to resettlement in the Chagos Archipelago is the Government of Mauritius and these issues cannot be determined by a study commissioned by any other Government.

#### **BOIS MARCHAND CEMETERY - MUSLIM SECTION - TOILET**

**(No. B/705) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the Bois Marchand cemetery, he will, for the benefit of the House, obtain from the Pamplemousses District Council, information as to if toilets are being constructed in the muslim section thereof and, if so, indicate if -

- (a) the necessary authorisations had been sought and obtained therefor, and
- (b) protests have been received in relation thereto and, if so, indicate the actions taken, if any.

**Reply:** I am informed by the District Council of Pamplemousses that a request was received on 20 May 2012 from the Muslim Youth Federation for authorisation to construct a toilet in the Muslim Section of the Bois Marchand Cemetery in the context of the Shab-E-Baraat Festival scheduled on 04 July 2012. On 07 June 2012, my Ministry conveyed its approval to the Council for the project and the Muslim Youth Federation was granted authorisation by the Council on the same day to go ahead with the construction of the toilet on the condition that cleaning, maintenance and repair of the toilet will fall under its sole responsibility.

I am informed that the Muslim Youth Federation started preliminary works for the toilet during the last week of June 2013 and on 28 June 2013 a protest was received from the Noor E-Muhammad Masjid of Terre Rouge against the construction of the toilet. Subsequently a meeting was convened on 05 July 2013 by the Council with representatives of the Muslim Youth Federation and Noor E-Muhammad Masjid of Terre Rouge and whereat both parties were invited to take up the matter at the level of their respective organisations with a view to finding an acceptable solution.

The Muslim Youth Federation has in the meantime been requested by the Council to stop construction works. A reply from the Noor E-Muhammad Masjid is still awaited.

### LAND CONVERSION TAX - EXEMPTION

**(No. B/706) Mr K. C. 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 Land Conversion Tax, he will state the names of those who have benefitted from the recent budgetary measure for the exemption thereof, indicating in each case -

- (a) the date on which approval for exemption was given;
- (b) the extent of land converted;
- (c) the quantum of tax exempted, and
- (d) if there has been any backdating of exemption and, if so, the reasons therefor.

*(Reply not available)*

### BALANCE OF TRADE - 2010-2013

**(No. B/707) 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 each of the years 2010 to 2012, he will state the extent of the imbalance in the balance of trade, indicating the latest estimates for the year 2013.

*(Withdrawn)*

### NTC – SOREZE ROAD ACCIDENT - CONDUCTOR

**(No. B/708) 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 Mr R. B., conductor of the bus involved in the fatal road accident on 03 May 2013, at Sorèze, he will, for the benefit of the House, obtain from the National Transport Corporation, information as to the reasons why he has not been paid his salaries, indicating if the Corporation had received representations in relation thereto.

**Reply:** I am informed by the NTC that Mr. V.B., joined the Corporation as Relief Conductor on 25 February 1997 and became a permanent conductor on 24 October 2002. As from January 2013, his monthly basic wages amounts to Rs10,358.

Mr V.B. is on injury leave since 03 May 2013 as he was on duty in the bus 4263 AG 07, which met with a major accident on that day.

Wages/salaries of all NTC employees are computed from the 19<sup>th</sup> of the previous month to the 18<sup>th</sup> of the present month. Being given that Mr V. B. is on injury leave as from 03 May 2013, he was due for normal wages, together with overtime and other allowances, for period 19 April 2013 up to 03 May 2013, which was paid to him.

According to the Industrial Injury Scheme of the National Pensions Act of 1978, when a worker suffers injury during the course of his employment, he is entitled to the payment by his employer of his basic wages for a period of two weeks. After the first two weeks, payment of an Industrial Injury Allowance on ground of the worker's incapacity to attend work is effected by the National Pension Fund (NPF). The amount due was thus paid to him.

His wife was informed about the procedure to be completed for him to be paid from NPF and I have been informed by the NTC that the payment has been done.

I am also informed that on top of the abovementioned statutory payments, the NTC offered, on purely humanitarian grounds, a sum of Rs75,000, to the conductor and according to NTC's Bank Statement, this amount was cashed by on 27 May 2013.

Moreover, in January 2010, the NTC took a Group Personal Accident Insurance Cover with SICOM Company Ltd for its NRB workers, including Bus Conductors. In that context, the case of Mr V. B. was referred by the NTC to SICOM Ltd on 24 May 2013.

As at to date, the NTC has paid all monies due to Mr V.B. and no representations have been received from either the conductor or his relatives, regarding any non-payment of dues.

However, Mr V.B. has served a *Mise en demeure* to the NTC, requesting for a payment of Rs15 m. for damage and prejudices suffered as a consequence of the accident.

## **YOUTH - UNEMPLOYMENT**



**(No. B/709) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)**

asked the Vice-Prime Minister, Minister of Finance and Economic Development whether he has taken cognizance of the latest figure on the rate of unemployment among youth aged less than 25 years and, if so, indicate if he proposes to take urgent measures in relation thereto and, if so, give details thereof.

**Reply:** I will reply to PQ B/709 and B/719 together as they are interrelated.

My Ministry has been closely following development in the Mauritian economy, including the labour market, as we have been taking a host of measures to ensure sustained increase in job creation and to prevent layoffs of personnel by the private sector. There is no doubt that almost all countries are facing the challenge of keeping their workforce in employment amidst the ongoing economic and financial turmoil. The current economic and financial conditions pose a great challenge. In fact, the global trends are clear. Between 2008 and 2013 -

- a) the unemployment rate in the US rose from 5.8% to 7.7%, an increase of around 34%;
- b) in the Euro Zone the impact has been more pronounced with unemployment rate increasing by 61% from 7.6% to 12.3%;
- c) in Spain it more than doubled to reach 27% from 11.3%;
- d) Italy and France also recorded an increase in unemployment rate from around 7% to double digit figures of around 12%;
- e) UK from 5.6% to 7.8% while
- f) in the region, the declining trend in unemployment in South Africa was reversed during the period and unemployment rose by 23% to around 25.7%.

In Mauritius, however, we are far behind these types of trends. We have been creating jobs throughout the crisis. In fact, net job creation between 2008 and 2012 was, on average, around 9,000 annually compared to an annual average of only around 4,500 between 2001 and 2005, when we were not facing any crisis of this magnitude. In addition, we should not overlook the fact that the rise in Mauritian labour force averaged 7,500 annually between 2001 and 2005 compared to 8,800 between 2008 and 2012. Of course, we would have done much better in containing the rise in unemployment had the crisis not hit us for over more than five years and had the Mauritian labour force not risen at a higher pace.

The priority of this Government is not only to create employment, but also to preserve employment while protecting the long term interest of the Mauritian labour force. This Government has taken various steps, amongst which we have -

- (i) the Workfare Programme;
- (ii) the Circular Migration Programme;
- (iii) the Restructuring Working Group Committee (RWG), set up under the National Resilience Fund to support enterprises in restructuring business;

- (iv) the SMEs schemes to, inter-alia, upgrade the quality of products and gain market access abroad;
- (v) the Mauritius Business Growth Scheme to enhance enterprise productivity and competitiveness, and
- (vi) the Start-Up Entrepreneurship Scheme to support promising entrepreneurs.

Let me turn to Youth Unemployment. From 2008 to 2013 -

- Youth unemployment rate in Ireland and Spain more than doubled to reach a high of 30% and 53% in 2012 respectively.
- In Portugal Youth unemployment rate increased from 20% to 38%.
- In United Kingdom Youth unemployment rate increased from 15% to 21%, and
- In France, the Youth unemployment rose by 26% during the same period.

The unemployment rate for youth aged 16-24 years in Mauritius stood at 23.7% during the first quarter of 2013. Government is well aware of the situation prevailing in the labour market. To address youth unemployment, a 4 Point Action Plan was announced in the 2013 Budget and they have already been implemented. The components of the 4 Point Action Plan include -

- (i) The Youth Employment Programme for which Rs330 m. have been earmarked, Government has increased contribution to the salary of non-graduates from 3,000 to 4,000 rupees per month. For graduates, Government has increased the contribution from 6,000 to 7,500 rupees per month. In addition, the duration of the support has been extended from six months to a full year. Government is also financing training costs, up to 7,500 rupees per trainee during this period.
- (ii) Within the National Resilience Fund, Government has established a Skills Working Group, as a joint public-private initiative, to provide tailor made and practical solutions to put the youth to work. Special attention is being given to unemployed graduates who have not found a job within one year of graduation. The Skills Working Group is co-chaired by the Ministry of Finance and the Joint Economic Council. It is working with and is supporting the efforts of the Ministry of Education, Ministry of Labour and Employment, Ministry of Tertiary Education, Ministry of ICT and the National Empowerment Foundation.
- (iii) Additionally as a third point, the Service to Mauritius Programme (STM)—which has proven popular amongst many young professionals who receive an apprenticeship into the machinery of Government—is being further pursued. Government has enlisted some 150

young graduates from the centralized round (batch 1) STM programme as announced in the 2013 Budget. Batch 1 was the exercise carried out in December 2012 and enlistment was made in February-March 2013. Currently, Batch 2 is ongoing and some 200 young graduates have been short-listed and are being placed in Ministries/Departments.

- (iv) Finally, Industry Placements make up the fourth component of 4 Point Plan. The Ministry of Tertiary Education is working with both tertiary institutions and industry to promote sandwich courses. This should better equip graduates for employment at the end of their studies. In addition, MITD is giving priority to sandwich courses prior to graduation.

An ICT Skills Development Programme (ISDP) is also being implemented to promote training and work placement initiatives to cater for demand of manpower in the ICT/BPO industry which is a key pillar of the economy. It is estimated that the ICT Sector would require an additional workforce of 15,000 persons in the next few years.

The recently launched Ebène Accelerator project has been initiated by my Ministry and Mauritius Telecom and will allow, over a 24 months period, young professionals to grow and nurture their start-ups and hopefully emerge as new ICT players. To date, both the YEP and ICT Ebène Accelerator have proved to be very popular with employers and the youth. To-date, we have placed around 1,525 youths in industries under the two programmes.

While these initiatives are contributing significantly mitigating the impact of the crisis on the job market, we should also not forget other major initiatives taken to rebuild resilience and to expand our economic base. We have already built the bridge to further expand trade with Africa and Asia, and as I indicated earlier, this will further shield the Mauritian economy from regional crises and prevent business closures or downsizing in case of crises.

#### **ANNA MEDICAL CENTRE/UNIVERSITY OF TECHNOLOGY - AGREEMENT**

**(No. B/710) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Health and Quality of Life whether, in regard to the Anna Medical Centre/University of Technology, he will state the terms and conditions of the agreement his Ministry has signed therewith in relation to the -

- (a) use of the premises of the Flacq hospital for training purposes, and
- (b) internship facilities to the graduates thereof.

*(Withdrawn)*

**ANNA MEDICAL CENTRE/UNIVERSITY OF TECHNOLOGY - MEDICAL DEGREE –  
RECOGNITION**

(No. B/711) **Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the Anna Medical Centre/University of Technology, he will, for the benefit of the House, obtain from the Tertiary Education Commission, information as to if the -

- (a) medical degree delivered thereby is internationally recognized and, if so, indicate the names of the international institutions which recognize same, and
- (b) graduates thereof will be allowed to intern in other countries, including in the country of origin of the Anna Medical Centre.

*(Withdrawn)*

**GRNW - DROP-IN-CENTRE**

(No. B/713) **Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the drop-in-centre at Grand River North West, she will state where matters stand as to the operation thereof.

*(Withdrawn)*

**CHILDREN – SCHOOL ATTENDANCE**

(No. B/714) **Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the children under the age of 16 who are not attending school, she will state the measures her Ministry proposes to take, if any, for the protection thereof.

*(Withdrawn)*

**PAILLES TREATMENT PLANT - UPGRADING**

(No. B/716) **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 the Project

for the Design-Build/Turnkey and to Operate the upgraded Pailles Treatment Plant, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if the -

- (a) Independent Review Panel had decided to review the cost estimate of the preferred bidder therefor ;
- (b) Authority had informed all the bidders that the public procurement proceedings therefor had been cancelled and, if so, indicate the reasons therefor, and
- (c) if the contract therefor has been awarded and, if so, indicate the;
  - (i) name of the contractor therefor, and
  - (ii) contract value thereof.

**Reply:** As regards part (a), I am advised that the decision of the Independent Review Panel with regard to the project is available on the website of Procurement Policy Office. It would not be in order for me to make any comment on the findings and conclusions of the Panel on the cost estimate. The ruling of the IRP was communicated to the CPB by the CWA for a decision.

As regards part (b), further to the decision of the CPB not to make any award on the ground that the bid price did not represent value for money, the CWA issued a “Notice of Cancellation of Public Procurement Proceedings” to all the bidders on 01 June 2012. This decision of the CWA was challenged by one of the bidders before the Independent Review Panel, which recommended the annulment of the decision of the Central Procurement Board to cancel the bidding exercise and a re-evaluation of the bids.

With regard to the decision of the IRP, on 25 February 2013, the CPB informed the CWA that after consultation with the Procurement Policy Office, it had maintained its previous decision not to approve any award of contract.

As regards part (c), on 26 February 2013, the CWA decided to proceed with an emergency procurement for the award of the contract for the following reasons -

- (i) the heavy rainfall which occurred in February 2013 had caused a deterioration of the quality of water and disruption in supply in Port Louis and the surrounding regions. This situation represented a major health hazard to consumers and gave rise to public outcry;
- (ii) the unpredictability of the weather conditions is and will continue to be a major cause of concern to the CWA in ensuring security of water supply to the inhabitants of Port Louis and the surrounding regions;
- (iii) a fresh bidding exercise will delay the project by at least one year, resulting in increased cost, and
- (iv) there is a high risk of public outcry if the project is further delayed.

The State Law Office had advised my Ministry that the situation described by the CWA may qualify as one wherein the “quality of life may be seriously compromised” and, therefore, represents a situation of extreme emergency within the meaning of Section 21 of the Public Procurement Act.

For the emergency procurement, the CWA invited the preferred bidder of the previous bidding exercise, Joint Venture Sotravic Ltée/Berlinwasser International AG to submit its best offer for the upgrading of the Pailles water treatment plant on the basis of three options, namely:

**Option 1:** Rehabilitation of the existing slow sand filters for a production capacity of 50,000m<sup>3</sup> per day and the construction of a new rapid gravity sand filter with a production capacity of 30,000m<sup>3</sup> per day.

**Option 2:** Rehabilitation of the existing slow sand filters for a production capacity of 30,000m<sup>3</sup> per day and the construction of a new rapid gravity filter with a production capacity of 50,000m<sup>3</sup> per day;

**Option 3:** Construction of new rapid gravity sand filters with a production capacity of 80,000m<sup>3</sup> per day.

The CWA was assisted in the evaluation of the proposals and negotiations by two experts from the consultancy firm Aurecon of South Africa. The Contract has been awarded on the basis of option 3 to JV Sotravic Ltée/Berlinwasser International AG in the sum of Rs725,814,684.41 inclusive of 7.5% contingencies and 15% VAT. This option would, under any condition -

- (i) guarantee the treatment of 80,000m<sup>3</sup> of raw water per day and increase the reliability of water supply;
- (ii) ensure supply of good water quality under any weather condition at all times, including periods of heavy rainfall, and
- (iii) to meet the increasing long term water demand in Port Louis region.

#### **SUGAR ACCOMPANYING MEASURES – MONEY DISBURSED**

(No. B/717) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the budget support emanating from the European Union in terms of Sugar Accompanying Measures or otherwise, he will state the amount of money disbursed for each of the financial years, since 2008 to date, indicating the impact thereof on the budget deficit.

**Reply:** The information requested is being tabled.

As the House may be aware, the European Union (EU) has been one of our key development partners in driving the reform programme of Mauritius. The EU has been providing assistance by way of budget support grants and Technical Assistance to drive the reform programme initiated by this Government since mid-2000s.

A major part of the budget support received since 2006 was used to finance the restructuring of the sugar industry in Mauritius in response to the EU Sugar Reform which included a significant cut in the guaranteed price of sugar under the Sugar Protocol. The budget support allowed for the implementation of the VRS and the derocking schemes.

As regards the impact on the budget deficit, after taking into account the expenditure incurred for the Sugar Accompanying Measures, a total sum of Rs6.5b has been used for financing other major reforms over the period 2006 – 2012.

I wish to underline that we have made major headway since 2006 to bring down the overall budget deficit and the public sector debt. In fact, Mr Speaker, Sir, the budget deficit and the public sector debt were already on an unsustainable path in early 2000s. The budget deficit was 5.1% of GDP while the discounted public sector debt stood at 63.6% of GDP in 2005. By 2013 we have been able to bring down the deficit close to 2% of GDP and reduced the discounted public sector debt by almost 10 percentage points of GDP.

### **LIGHT RAPID TRANSIT SYSTEM PROJECT - AGREEMENT**

**(No. B/718) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Mauritius Light Rapid Transit System Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the progress achieved as at to date, since the signature of the agreement for consultancy services with Singapore Cooperation Enterprise, in September 2012.

**Reply:** Within a Government-to-Government framework agreement, the services of the Singapore Cooperation Enterprise have been secured for the provision of Consultancy Services in respect of the Mauritius Light Rapid Transit Project. The Singapore Cooperation Enterprise is an entity of the Government of Singapore that has been set up to respond effectively to requests for cooperation where other countries want to draw from the expertise and development experience of Singapore.

In accordance with section 3 of the Public Procurement Act as amended, the Stage 1 Consultancy contract has been awarded to the Singapore Cooperation Enterprise in September 2012. The Stage 1 Consultancy covers mostly the planning and survey components apart from looking into the economic analysis, including the financial structuring for the implementation of the LRT system.

To date, the following activities and tasks have already been undertaken -

- Available corridors have been examined for constraints and opportunities mapping to guide the MLRT corridor selection;
- Current local government planning schemes and national growth strategies for compatibility with the MLRT have been assessed;
- Identification of potential corridor/s and selection of a preferred corridor for the MLRT;
- Traffic surveys and household travel surveys have been undertaken;
- The Stage 1 Execution Plan (identify main areas that needs to be influenced for successful implementation and operation of the MLRT, including the supporting Package of Measures) has been developed,
- Market Sounding and Expression of Interest (EOI) activities have been undertaken to engage with and procure potential bidders for the project.

The other tasks and activities which are either ongoing or which have to be performed under the Contract, which spans over an eleven month period starting on 08 October 2012 are -

- Engagement with key internal and external stakeholders within GoM;
- Undertake site inspections and field investigations of potential corridors for the MLRT;
- Undertake an assessment of existing natural and built environment;
- Identification of potential mitigations for impacts on the natural and built environment as a result of the MLRT;
- Development of transport models to determine the passenger demand for the MLRT and quantify impact on existing traffic along preferred corridor, and
- Development of LRT design standards for the MLRT.

Development of a Reference Design for the MLRT, including -

- Operational rail modelling to determine LRT run times and operational speeds;



- Traction power modelling to determine electrical demand for traction power, including an assessment of substation locations;
- High level assessment of utility services impacts;
- Adjacent road accommodation works;
- Assessment of property impacts as a result of the Reference Design and engagement with the Ministry of Housing and Land regarding property acquisition;
- Development of terms of reference for aerial photography, photogrammetric survey and geotechnical investigations;
- Work out an estimate of the Capital Cost Estimate and Operational Cost Estimate for the MLRT;
- Currently undertaking financial and economic assessment for finalisation of the Business Case, and
- Risk management of the MLRT.

To ward off any undue delay and to ensure undisturbed progression in the project implementation time frame, the Stage 2 Consultancy Contract has been awarded to the Singapore Cooperation Enterprise on 11 July 2013 on the strength of a similar process as the Stage 1 Consultancy and governed by the provisions of the Public Procurement Act applicable to procurement made pursuant to an agreement or arrangement between Mauritius and a Foreign State. The main activities under the Stage 2 Consultancy relate to the planning, evaluation, market sounding, conformation of a procurement approach and the drafting and release of a Request for Proposal for the procurement of a Preferred Proponent for the delivery of the Mauritius Light Rapid Transit.

### UNEMPLOYMENT - MEASURES

**(No. B/719) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to unemployment, he will state the measures being taken to address same, following the publication of the latest figures of the rate thereof.

*(Vide reply to PQ No. B/709)*

### NHDC – CASTING OF SLABS SCHEME - APPLICATIONS

**(No. B/720) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Minister of Housing and Lands whether, in regard to the Casting of Slabs Scheme, he will, for the benefit of

the House, obtain from the National Housing Development Company Ltd., information as to the number of applications received therefor, over the past three years, indicating the -

- (a) number thereof approved, and
- (b) amount of money disbursed therefor.

**Reply:** I am informed by the National Housing Development Company Ltd. that over the past three years from January 2010 to date 8,313 applications have been received for grants under the Casting of Roof Slabs Scheme, out of which 6,589 applications have been approved. Consequently, an amount of Rs384,564,220 has been disbursed.

### **CHILD PROSTITUTION - SURVEY**

(No. B/721) 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 child prostitution, she will state if her Ministry has commissioned any survey to find out if there are cases thereof and, if so, indicate the number thereof, if any.

*(Withdrawn)*

### **TERTIARY EDUCATION INSTITUTION – FOREIGN STUDENTS - COMPLAINT**

(No. B/722) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Tertiary Education, Science, Research and Technology whether he will state and obtain from the Tertiary Education Commission, information as to if, any complaint has been received at his Ministry or at the Commission, from foreign students in relation to a tertiary education institution operating in Ebène and, if so, indicate the nature thereof.

*(Withdrawn)*

### **NTC – SPEED LIMITERS - PURCHASE**

(No. B/723) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the speed limiters, he will, for the benefit of the House, obtain from the National Transport Corporation, information as to –

- (a) the cost of purchase thereof
- (b) if a tender was launched therefor and, if so, indicate
  - (i) when, and
  - (ii) the names of the bidders and of the successful bidder therefor, and
- (c) if a survey was carried out prior to the installation thereof in the buses.

**Reply:** The Road Traffic (Construction and Use of Vehicles) 2010 requires all vehicles of Gross Weight above 3,500 kgs to be fitted with speed limiters. In line therewith, the National Transport Corporation decided in 2011 to equip all its buses with speed limiters.

In that context, on 07 January 2011 the National Transport Corporation, invited bids under the Open Advertising Bidding method through the local press, for the Supply and Installation of Speed Limiters in its 545 buses including the yellow buses. The bidding document also provided for this quantity to be varied by  $\pm 20\%$ . The closing date for the submission of bids was 07 February 2011.

Four potential bidders purchased bidding documents from the National Transport Corporation, namely -

- Secure Works Ltd
- Pascal Computer Services
- Robert Le Maire Ltd
- Syndiant Technology Ltd

However, only Robert Le Maire Ltd and Secure Works Ltd submitted their bids as at the closing date. Following an evaluation exercise the contract for the installation of speed limiters in 545 National Transport Corporation buses was awarded to Secure Works Ltd for an amount of Rs 6,894,250 VAT inclusive. The bid from Robert Le Maire Ltd was non-responsive and more expensive.

Following the award of the Contract a survey was carried out on all National Transport Corporation buses prior to the installation of the speed limiters. At the same time, the National Transport Corporation, was in parallel receiving new buses, which were already fitted with speed limiters.

Moreover, as the National Transport Corporation was scrapping its old buses, most of which were 18 years of age, the final number of speed limiters installed by Secure Works Ltd in NTC buses was 473.

The Contractor was finally paid an amount of Rs 5,983,450. VAT inclusive.

### SEYCHELLES - CARNIVAL - COST

**(No. B/724) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Tourism and Leisure whether, in regard to the carnival held in the Seychelles, from 8 to 10 February 2013, he will, for the benefit of the House, obtain from the Mauritius Tourism Promotion Authority, information as to the –

- (a) total cost of participation of the Mauritian delegation thereat, giving details thereof, and
- (b) names of the sponsors therefor, if any, indicating the amount of contribution received therefrom, in each case.

*(Reply not available)*

### MINISTRY OF AGRO-INDUSTRY AND FOOD SECURITY– CONTROL AND ARBITRATION DIVISION - REDEPLOYMENT

**(No. B/725) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Agro-Industry and Food Security, Attorney General whether, in regard to the Control and Arbitration Division, he will state if all the officers thereof have been redeployed to serve at the Mauritius Cane Industry Authority and, if so, obtain from the Authority, information as to if the services thereof have been retained for the crop season 2013 and, if not, why not.

*(Withdrawn)*

### MAURITIUS SHIPPING CORPORATION - RECRUITMENT

**(No. B/726) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Mauritius Shipping Corporation Ltd., he will, for the benefit of the House, obtain therefrom, information as to the number of persons who have been recruited, since 2000 to date, on a temporary basis, indicating the –

- (a) names and addresses thereof, and
- (b) number thereof who have thereafter been employed on a permanent basis.

**Reply:** I have been informed by the Mauritius Shipping Corporation Ltd that from 2000 till date, the Mauritius Shipping Corporation Ltd, has recruited 15 persons, including 4 in Rodrigues. These persons were employed following a selection exercise whenever there was a vacancy. All of them have been confirmed in their post apart from one who is on probation. The names and addresses of these persons are being circulated.

Moreover, the subsidiary company of the Mauritius Shipping Corporation Ltd, MSCL Coraline Ship Agency Ltd, which was incorporated in 1998 to provide ship agency services to foreign vessels calling to Port Louis and also to the vessels owned by the Mauritius Shipping Corporation Ltd, had since 2000 recruited 39 persons including 18 posted to work on a casual basis at the Aurélie Perrine Passenger Terminal.

The 18 persons at the passenger terminal were recruited on a casual basis by the MSCL Coraline Ship Agency Ltd given that the Management Services Agreement between the Mauritius Shipping Corporation Ltd and Mauritius Port Authority (MPA) to operate the terminal was valid for an initial period of five years. Following the extension of the said agreement by the MPA in October 2007 for a further period of 10 years i.e until June 2021, those 18 persons working at the passenger terminal were employed on a permanent basis in their respective post in February 2008.

As regards the remaining 21 persons, with the coming into operation of the Mauritius Trochetia and increasing operational activities, they were also confirmed in their post eventually.

I am tabling the list of these 39 persons as well.

I wish to inform the House that the subsidiary company, MSCL Coraline Ship Agency Ltd which was operating as a separate entity was amalgamated with the mother company, Mauritius Shipping Corporation Ltd in August 2011 and to this effect, all the existing employees of the subsidiary company were transferred to the Corporation.

The Mauritius Shipping Corporation Ltd owns and operates two vessels namely M/V Mauritius Pride and M/V Mauritius Trochetia. The crewing and manning of these two vessels are provided by Renaissance Maritime Ltd.

I am tabling this crew list as well.

#### **NIGHTCLUBS - OPERATION**

**(No. B/727) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Tourism and Leisure whether, in regard to the nightclubs, he will, for the benefit of the House, obtain from the Tourism Authority, information as to the number thereof which are operating in contravention of the existing legislation in relation thereto, indicating the measures, if any, taken to ensure compliance thereto.

**Reply:** I wish to inform the House that nightclubs are listed as scheduled activities under the Tourism Authority Act 2006, as subsequently amended and are therefore subject to a licence prior to operating.

In addition, since April 2012, a set of guidelines has been introduced within which nightclubs are required to operate so that their activities are carried out in a responsible and orderly manner.

These guidelines define the parameters relating to *inter-alia* -

- delimitation of location in designated areas;
- occupancy level requirements for dancing floor area/or activity area, refreshment area, sanitary and parking facilities;
- CCTV control room, security measures and services of Licensed Security Officers;
- conformity to prescribed health and environmental requirements, ventilation and lighting and noise tolerance level;
- hours of business, and
- occupational safety and health.

I am informed by the Tourism Authority that according to a recent survey, all the operators have already complied with more than 50% of the guidelines.

Consultations with ANPO, the Association of Nightclub Owners to identify the constraints being faced by operators to implement the guidelines in full are ongoing.

### **PAILLES – HEALTH CARE CENTRE – OPENING HOURS**

**(No. B/728) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Health and Quality of Life whether, in regard to the Health Care Centre of

Pailles, he will state if his Ministry is in presence of a request for the opening hours thereof to be extended to 6 p.m. on week days and, if so, if consideration will be given thereto.

**Reply:** I would like to inform the House that there are two Community Health Centres in Pailles, namely the Pailles East Community Health Centre and the Pailles West Community Health Centre. My Ministry has not received any request from either of the two Community Health Centres to be opened up to 6 p.m. on week days.

However, a request was made in July 2012 on behalf of the *Mouvement Solidarite Pailles* for the conversion of Pailles East Community Health Centre into an Area Health Centre.

I am advised that this request is not justified in view of the following -

- (a) the Area Health Centre which already exists at Cassis is located within a distance of approximately 3 km from any point in Pailles and is easily accessible and is offering services from 8 a.m. to 6 p.m. on week days and from 8 a.m to noon on Saturdays, Sundays and Public Holidays;
- (b) since the opening of the new Pailles West Community Health Centre in November 2012, the attendance at Pailles East Community Health Centre has shown a decrease from an average monthly attendance of 1590 in 2012 to 1450 for the period January to May 2013.

I am further advised that there is no need to open either of the two Community Health Centres up to 6 p.m. as the daily attendances vary between 45 to 50 at Pailles East Community Health Centre and between 6 to 10 at the new Pailles West Community Health Centre. I am also informed that the health centre at Pailles East remained open from 4 p.m. to 6 p.m. on 02, 03 and 04 April 2013 following the flash flood and only six, four and one patients attended the health centre on the three consecutive days.

#### **LA TOUR KOENIG – HEALTH CARE CENTRE - UPGRADING**

**(No. B/729) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Health and Quality of Life whether, in regard to the Health Care Centre of La

Tour Koenig, he will state when works for the upgrading and extension thereof will be completed.

**Reply:** As at today, all the upgrading works have been carried out, namely -

- (i) construction of a counter for the Records Section for the issue of cards to patients from outside;
- (ii) casting of concrete layer on cracked flooring under the existing shed in front of the Community Health Centre and tiling thereof;
- (iii) extension of the shed and the installation of the benches and enclosure with galvanised sheets in order to create a larger waiting area for patients;
- (iv) opening of a second door in the consultation room to provide direct access for patients from the waiting area to the consultation room;
- (v) plastering of wall under shed;
- (vi) erection of partition for Pharmacy Section, and
- (vii) plastering of ceiling in Consultation Room.

The possibility for further extension has already been explored but given the land constraint, it is not possible to do so.

Tenders were launched on two occasions for renting of a building to house the La Tour Koenig Community Health Centre, but without success. My Ministry is having recourse to a third tender exercise with revised specifications.

I am advised that with the upgrading works more spaces are presently available for waiting area and Pharmacy. Doctor sessions have been increased, thus the service delivery at the Community Health Centre has improved significantly. However, in the long term a larger building will be required for providing better primary health care to the population of the catchment area of La Tour Koenig Community Health Centre.

#### **KEATS COLLEGE (BOYS) – NTA - REPRESENTATIONS**

(No. A/236) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport



and Shipping whether, in regard to the Keats College (Boys), located at Valentina, in Chemin Grenier, in Constituency No.14, he will, for the benefit of the House, state and obtain information from the National Transport Authority, information as to if they have received representations from the Deputy Rector thereof in relation to the problems faced by the students thereof –

- (a) to attend thereto due to lack of buses on that route;
- (b) due to the fact that -
  - (i) the bus stop thereat is located on a curve;
  - (ii) there is no bus lay by and,
  - (iii) no bus shelter thereat and, if so, indicate if consideration will be given thereto.

**Reply:** Keats College (Boys) is located at Valentina, Chemin Grenier, about 400 metres from the main road. It has a student population of 553 and most of them reside at Chemin Grenier, Surinam, Souillac, Rivière des Anguilles and Choisy. They travel by buses along routes 6 (Rivière des Galets – Curepipe), 133 (Choisy - Curepipe), 197 (Rivière des Galets – Port Louis) and 10 (Rivière des Galets – Mahebourg). The number of buses licensed to operate along routes 6, 133, 197 and 10 are as follows –

Route No.	Itinerary	Operator	No. of Buses licensed	Time Table
6/133	Curepipe - Rivière des Galets with extension to Choisy via Chemin Grenier	NTC	62	Every 10 mins
197	Riv. Des Galets – P. Louis via Chemin Grenier	NTC	15	Every 30 mins
10	Riv. Des Galets – Mahebourg via Chemin Grenier	Individual	29	Every 15 mins

No transport problem is encountered by the students.

Buses alight and embark students at bus stops located at about 200 metres from the access road leading to the college. In a letter dated 17 January 2013 the Rector of the college had requested for 1 dedicated school bus towards Choisy and 2 buses towards Rivière des Anguilles.

As regards part (b), site visits were effected at the locus with the representative of Traffic Management and Road Safety Unit on 09 August 2011 and 30 April 2012. However, due to the topography of the road, the bus stop could not be relocated nearer to the college.

A regards part (c), consideration will be given for the construction of a bus shelter at the bus stop in the direction of Rivière des Galets. Subject to availability of land and necessary clearance obtained from the Traffic Management and Road Safety Unit and National Transport Authority.

#### **ADVISERS – PERIOD 2010-16 JULY 2013**

**(No. A/237) Mr K. C. 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 advisers attached to his Ministry, he will state, for each of the years 2010 to date, the names thereof, indicating in each case, the –

- (a) date of appointment
- (b) duties assigned thereto
- (c) nature and quantum of allowances paid thereto, and
- (d) total annual remuneration package thereof.

*(Reply not available)*

#### **SIC – PERIOD 2010-16 JULY 2013 – NET INCOME & CORPORATE TAX**

**(No. A/238) Mr K. C. 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 State Investment Corporation, he will, for the benefit of the House, obtain therefrom, for each of the years 2010 to date, information as to -

- (a) the amount of
  - (i) net income realized, and
  - (ii) corporate tax paid
- (b) the number of companies under the management thereof, indicating in each case, the profit or loss made, as the case may be, indicating in case of loss, the reasons therefor, and

- (c) if a management audit has been carried out thereinto and, if so, indicate the outcome thereof and remedial actions taken, if any, in relation thereto.

*(Reply not available)*

#### **INFRASTRUCTURAL PROJECTS – MONEY SPENT**

**(No. A/239) 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 each Constituency, he will state and obtain information as to the amount of money spent for the resurfacing of roads, construction of drains and other infrastructural projects thereat, respectively, by the -

- (a) Ministry of Public Infrastructure;
- (b) Road Development Authority, and
- (c) National Development Unit.

**Reply:** The list is being compiled and will be placed in the Library of the National Assembly as soon as it is ready.

#### **CHILD DEVELOPMENT UNIT – CASES – JULY 2010 TO DATE**

**(No. A/240) Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Child Development Unit, she will, for the benefit of the House, obtain therefrom, information as to the number of cases referred thereto, since July 2010 to date, indicating in each case, the -

- (a) nature thereof, and
- (b) age of the children concerned.

**Reply:** I am informed that since July 2010 to date, 17,089 cases have been referred to the Child Development Unit for intervention. The nature of each case referred to the Child Development Unit for the above period is as per the table laid in the Library.

Regarding part (b) of the question, all cases catered by the Child Development Unit for protective services concern children below 18 years of age.

#### **MONT ROCHES SOCIAL WELFARE CENTRE - UPGRADING**

**(No. A/241) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Mont Roches Social Welfare Centre, he will state if there is a project for the upgrading of the –

(a) building housing same, and

(b) sports ground thereof and, if so, indicate when.

**Reply:** With regard to (a) & (b), I am informed at present that there is no project for the upgrading works.

### **GOODS & SERVICES – PROCUREMENT EXERCISE**

**(No. A/242) 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 procurement of goods and services, he will, for the benefit of the House, obtain information for the past five years, the number of exercises therefor carried out through the -

(a) restricted bidding method, and

(b) emergency procurement method, indicating in each case, the

(ii) name of the public body

(iii) description of goods or services procured, and

(iii) contract value thereof.

*(Reply not available)*

### **SQUATTERS - SURVEY**

**(No. A/243) Mr R. Uteem (Second Member for Port Louis South and Port Louis Central)** asked the Minister of Housing and Lands whether, in regard to the squatters, he will state if any survey has been carried out to ascertain the number and location thereof and, if so, if copy of the report in relation thereto will be tabled.

**Reply:** The survey and monitoring of squatters is an ongoing exercise. According to latest records, there are, as at 17 July 2013, some 1,116 squatters on State lands islandwide as per the list placed in the Library.

**MINISTRY OF PUBLIC INFRASTRUCTURE, NATIONAL DEVELOPMENT UNIT, LAND  
TRANSPORT AND SHIPPING - ADVISERS/PRESS ATTACHÉS - APPOINTMENT**

(No. A/244) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Advisers/Press Attachés and/or persons employed on contract at his Ministry, he will give a list thereof, indicating in each case the -

- (a) position held;
- (b) date of appointment;
- (c) qualifications possessed, and
- (d) terms and conditions of appointment.

*(Withdrawn)*