



## **FIFTH NATIONAL ASSEMBLY**

### **PARLIAMENTARY DEBATES (HANSARD)**

**FIRST SESSION  
TUESDAY 19 JULY 2011**

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Dr. the Hon. Navinchandra Ramgoolam, GCSK,  
FRCP

Dr. the Hon. Ahmed Rashid Beebejaun, GCSK,  
FRCP

Hon. Charles Gaëtan Xavier-Luc Duval, GCSK

Hon. Pravind Kumar Jugnauth

Hon. Anil Kumar Bachoo, GOSK

Dr. the Hon. Arvin Boolell, GOSK

Dr. the Hon. Abu Twalib Kasenally, FRCS

Hon. Mrs Sheilabai Bappoo, GOSK

Hon. Nandcoomar Bodha

Dr. the Hon. Vasant Kumar Bunwaree

Hon. Satya Veryash Faugoo

Hon. Showkutally Soodhun

Hon. Devanand Virahsawmy, GOSK

*Prime Minister, Minister of Defence, Home Affairs  
and External Communications*

*Deputy Prime Minister, Minister of Energy and  
Public Utilities*

*Vice-Prime Minister, Minister of Social  
Integration and Economic Empowerment*

*Vice-Prime Minister, Minister of Finance and  
Economic Development*

*Minister of Public Infrastructure, National  
Development Unit, Land Transport and Shipping  
Minister of Foreign Affairs, Regional Integration  
and International Trade*

*Minister of Housing and Lands*

*Minister of Gender Equality, Child Development  
and Family Welfare*

*Minister of Tourism and Leisure*

*Minister of Education and Human Resources*

*Minister of Agro-Industry and Food Security*

*Minister of Industry and Cooperatives*

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Hon. Louis Hervé Aimée

*Minister of Local Government and Outer Islands*

Hon. Mrs Santi Bai Hanoomanjee

*Minister of Health and Quality of Life*

Hon. Mookhesswur Choonee

*Minister of Arts and Culture*

Hon. Tassarajen Pillay Chedumbrum

*Minister of Information and Communication Technology*

Hon. Louis Joseph Von-Mally, GOSK

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Hon. Ashit Kumar Gungah

*Minister of Civil Service Affairs and Administrative Reforms*

Hon Shakeel Ahmed Yousuf Abdul Razack

*Minister of Labour, Industrial Relations and Employment*

Mohamed

*Attorney General*

Hon Yatindra Nath Varma

Hon John Michaël Tzoun Sao Yeung Sik Yuen

*Minister of Business, Enterprise, Commerce and Consumer Protection*

*Members**Members*

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**MAURITIUS**

**Fifth National Assembly**

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**FIRST SESSION**  
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**Debate No. 17 of 2011**

**Sitting of Tuesday 19 July 2011**

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

**at 11.30 a.m**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

**PAPERS LAID**

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

**A. Office of Mr Speaker –**

The Annual Report and Audited Accounts of the Independent Commission Against Corruption (ICAC) for the period July 2009 to December 2010 (In Original).

**B. Prime Minister's Office –**

Certificate of Urgency in respect of The Limited Partnerships Bill (No. XX of 2011).

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

- (a) The Annual Report and Audited Accounts 2009/2010 of the Lottery Committee (In Original).
- (b) The Customs Tariff (Amendment of Schedule) Regulations 2011 (Government Notice No. 134 of 2011).

**D. Ministry of Health and Quality of Life –**

- (a) The Medical Council (Medical Institutions) (Amendment No. 2) Regulations 2011 (Government Notice No. 135 of 2011).
- (b) The Medical Council (Medical Institutions) (Amendment No. 3) Regulations 2011 (Government Notice No. 136 of 2011).

## ORAL ANSWERS TO QUESTIONS

### NTC - BUSES

**The Leader of the Opposition (Mr P. Bérenger)** (*by Private Notice*) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the -

- (a) number of -
  - (i) employees;
  - (ii) buses, indicating the (i) maintenance costs (ii) average number thereof remaining idle and (iii) number of accidents in which they are involved, indicating the nature thereof, since 2005 to date, on a yearly basis;
- (b) present number of buses over 10 and 16 years;
- (c) age of the 24 buses dedicated to school service;
- (d) tender procedure followed for the acquisition of buses and of spare parts, and
- (e) profit or loss for the first quarter of 2011 and the total debt as at to date.

**Mr Bachoo:** Mr Speaker, Sir, I have to inform the House that with regard to the National Transport Corporation, the number of buses, the number of employees and the number of buses remaining idle from 2005 to date on a yearly basis are as follows -

<b>Year</b>	<b>Buses</b>	<b>Employees</b>	<b>No. of Idle buses</b>
2005	522	3,068	22
2006	523	3,075	20
2007	515	3,086	17
2008	512	3,173	17

2009	511	2,679	16
2010	517	2,678	15
June 2011	505	2,562	14

Decrease in the number of employees is due to retirement, pilferage and other gross misconduct.

During the same period, maintenance cost of buses is around Rs6 m. to Rs7 m. a month, that is, an average of Rs80 m. yearly.

Maintenance cost includes servicing, repairs as well as purchase of spare parts.

In addition, the number of accidents involving National Transport Corporation buses for the above period is as follows -

<i>Year</i>	<i>No. of Accidents</i>
2004 - 2005	593
2005 - 2006	633
2006 - 2007	619
2007 - 2008	832
2008 – 2009	747
2009 - 2010	649
January - June 2011	609

It is to be noted that

- (i) in over 50% of the accidents National Transport Corporation was not at fault;
- (ii) 90% of the accidents are minor ones.

Mr Speaker, Sir, with regard to section (b), I wish to inform the House that the present number of buses over 10 and 16 years is as follows -

Over 10 years - 234

Over 16 years - 71

As for the school service buses, I wish to inform the House that there are presently 27 buses dedicated for the purpose. Those buses have an average age of around 19 years. I also want to point out that these 27 buses have been provided specially for schools on a special case basis. The National Transport Corporation is a corporate body and this Government is ensuring that all students benefit from such dedicated and reliable services. I want to point out that no other operators do have similar dedicated services as they never have expressed an interest in such a provision. These buses are in good running conditions and are operated only twice on school days. Besides, they are regularly inspected by engineers of my Ministry. I would like to add that these buses are manned by experienced drivers and till date no accident has been recorded involving these buses.

My Ministry ensures that all safety aspects in relation to these buses are thoroughly observed. Age is not an issue as these buses do have to pass through a certificate of fitness which is only issued after examination by the Mechanical Engineer of the Public Infrastructure Division and the National Transport Authority.

Mr Speaker, Sir, tender procedures for acquisition of buses are effected through the open advertised bidding method as stipulated in the Public Procurement Act of 2006 which came into operation as from 17 January 2008. For procurement below Rs100 m. evaluation is carried out in house according to the established procedures.

With regard to spare parts two methods are generally used namely -

- (i) Annual tender through open advertised bidding method, and
- (ii) Through sealed quotations for small and urgent items.

Mr Speaker, Sir, overall National Transport Corporation made a loss of Rs504,985 for quarter ending March 2011.

Total debt as at June 2011 stands at around Rs710. This is the situation that has cumulated over the years since 1983.

It is also to be noted that between 2000 - 2005 the National Transport Corporation's situation was not rosy; the company was making a loss of over Rs170 m. yearly. The situation has, in fact, been improving since 2005. From 2005-2010 the average loss has been around Rs100 m. yearly.

For the first quarter of this year, there has been an operating surplus of Rs9.7 m. These are clear indications that National Transport Corporation is now on the right track.

On top of that, for this year we are procuring 117 brand new buses from Japan.

**Mr Bérenger:** Mr Speaker, Sir, if I can start with employment. If I heard the Minister rightly, as from January 2010, the number of employees has decreased by more than 500. Can I know how many were related to disciplinary action?

**Mr Bachoo:** Mr Speaker, Sir, from 2010 until now, it is not 500, it is less than 200, but the majority has retired as a result of age and we have got a handful of cases - I don't have the exact number - of pilferage and there have been regular absences on the part of the workers. One thing I can assure the House, being given the situation is so delicate at the NTC, it is important for the administration to be very strict. We cannot allow any type of negligence on the part of any worker and, at the same time, once somebody is suspended or restricted from work, he is given the right to make an appeal and that is the right that everybody has at the NTC.

**Mr Bérenger:** So, the number of employees has gone down to 2,562 as at now. Does the hon. Minister agree, with the recent statement by the present General Manager, that out of these 2,500, 1,000 should be made to leave one way or the other?

**Mr Bachoo:** Mr Speaker, Sir, policy decisions are taken by my Ministry and with the approval of Cabinet. I am not aware of any such decision that has been taken, but I can assure the House that no such action will be taken. The NTC will be put on good running order, one assurance I can give to the House.

**Mr Bérenger:** Again, statements have been made to the effect that maintenance will be done by the importing agents and that, therefore, the workshops would be closed. Has a decision been taken already?

**Mr Bachoo:** No decision had been taken, Mr Speaker, Sir. But unfortunately, we have got hundreds of mechanics, but many of them are idle. At times, it happens that buses stay in the

garage for weeks and weeks, nothing being done and, at times, they don't even want to attend to those works. We have also taken the services of other agents outside the NTC to do delicate jobs and there was no way out, we had to do it and as a result of which now I get the feeling that the fleet is doing better than it was before.

**Mr Bérenger:** Mr Speaker, Sir, I understand that the hon. Minister met with the trade unions representing the NTC employees. Is it correct, as reported, that the Minister gave a guarantee and assurance to the employees of the NTC that their employment will not, in any way, be affected by the *métro léger* project?

**Mr Bachoo:** Since the very beginning, and even when the hon. Member was himself the Minister of Finance and Prime Minister at a certain time, he had given guarantees to the workers that jobs will not be threatened. And even we, as a responsible Government, have taken the decision that we have to monitor properly and that is the reason why we say we are not threatening workers that they are going to lose their jobs. Just imagine a bus driver who has been threatened that he is going to lose his job, what will be the state of his mind. That is the reason why I don't want, in any way, to create any threat at the NTC and we allow the workers to work sincerely and honestly. But, unfortunately, those who don't work well will be out automatically.

**Mr Bérenger:** Mr Speaker, Sir, if we can have a look at the age of the buses. I heard the hon. Minister - if I heard him correctly - say that at the NTC there are 71 buses over 16 years. We know that regulations have it that private operators and private companies are not allowed to operate buses older than 16 years, obviously, because of dangers. Am I to understand that we have 71 NTC buses over 16 years old in operation?

**Mr Bachoo:** Mr Speaker, Sir, the practice was there even before 2005. There were certain conditions which were laid by NTA exceptionally for the NTC buses. But one of the conditions was and is today that these buses must be inspected at regular intervals by the competent engineers of the mechanical division of my Ministry. But again, as I have just mentioned, this year we are procuring 117 buses, by next year we are going to procure another 100 buses and by so doing, the age of the average bus at the NTC will automatically be reduced to around 14 to 13 years.

**Mr Bérenger:** Are we not adding insult to injury, if I may say so? We have been informed that there are 71 NTC buses over 16 years on the roads and I heard the hon. Minister say that the 27 buses dedicated to school service are on average 19 years old. That is some must be 23, 24, 25 years old. Is it safe, although he tells us that his officers check regularly? But there must be a reason why we withdraw buses of more than 16 years old from the roads. Will he undertake to do away with those very old buses so said to be dedicated to school services as soon as possible?

**Mr Bachoo:** Buses are below 20 years of age. And, as I have just mentioned, these buses serve only twice a day, in the morning and in the afternoon. These buses are properly manned by competent drivers and up till now, with the grace of God, there has not been any accident. That is the reason why I have mentioned that we are trying to improve the fleet. Because, Mr Speaker, Sir, various Governments were here, but luckily since 2005 we have taken decisions, we bought about 100 buses in 2007 and after that 117 buses. I hope if that continues, then all these old buses will be scrapped out. But I can assure the House that these buses are properly manned, regularly checked at regular intervals.

**Mr Bérenger:** Mr Speaker, Sir, I will have to look at the figures for accidents where NTC buses have been involved. But this year, at least, we know of three spectacular accidents that took place. One in the *Gorges de la Rivière Noire*, one in my constituency No. 19, Hugnin ...

(*Interruptions*)

Don't worry ! *Numéro 12, pas tracassé !* And the third one when somebody driving another vehicle was killed because some part of the NTC bus flew and killed that person. Can I know how many accidents NTC buses have had this year so far?

**Mr Bachoo:** I have mentioned that there have been 600 approximately minor accidents, but in over 50% of the cases, NTC was not at fault, but out of the three cases which the hon. Member is mentioning, definitely there has been one case in which NTC more or less - I can't pass judgment on that because the matter is *sub judice* - appeared to have been at fault. But as far as the southern part of the country where the accident occurred, NTC was not at fault, the bus was not at fault, there was something basically wrong with the driver. That's what I can say.

**Mr Bérenger:** Can we move on to tenders, Mr Speaker, Sir? There have been a lot of allegations along the tenders for buying of buses and spare parts. Can I know from the hon. Minister, when buses are bought, whether price is the only consideration or whether other criteria are used?

**Mr Bachoo:** Mr Speaker, Sir, one thing I can again assure the whole House that as far as the tender procedures are concerned, there is no interference of any type and as the hon. Prime Minister has been telling most of the time that if any such things occur then of course the matter has to be reported and the price is not the only consideration. We look at other aspects also. But, unfortunately, I am not in a position to spell out all the indicators and criteria. But one thing I am aware of is that price is not the sole criterion.

**Mr Bérenger:** Can I know for the buses being purchased these days, what length of guarantee is being requested?

**Mr Bachoo:** Well, Mr Speaker, Sir, I don't have the conditions which are being spelt out before the buses are procured, but if the hon. Member will come with a question, surely I will provide all the detailed answers regarding the tender procedure. I don't have any problem with that.

**Mr Bérenger:** We are also being informed of spare parts lying idle, unused for years. Can I have an idea of the spare parts stock as at now at the NTC?

**Mr Bachoo:** Mr Speaker, Sir, coming back to the previous question, we get two years warranty period for the new buses and regarding the spare parts there has been an accumulation for the past 25 to 30 years. And that's why we get the impression that we are buying spare parts and dumping in the warehouse of the NTC, but this is not the case today. In the past, there were about Rs5 m. – if I am not mistaken - of spare parts, but most of them have been cleared out but, as at now, we don't take such risks of buying spare parts and keeping in stock. That is not the practice today. We have got limited amount of spare parts which we buy and, in fact, we are running short of cash, we can't put that much of money in spare parts. We buy a limited amount and we utilise them.

**Mr Bérenger:** Can we move on to the profit or loss situation of the NTC, Mr Speaker, Sir? So, the Minister has told us that the total debt as at to date stands at Rs710 m. Does that include very old debts; does it include overdrafts; is it the total debt as at now?

**Mr Bachoo:** Mr Speaker, Sir, it is the total debt. In fact, it started early 1983 when buses were procured under the Indian line of credit; all those are included in that heavy debt which NTC has.

**Mr Bérenger:** Can I know whether the whole of that debt is guaranteed by Government?

**Mr Bachoo:** The answer is yes.

**Mr Bérenger:** Before I have the opportunity to look at the figures provided, operational plus debt interest payment, debt reimbursement and everything since the beginning of this year, can I know how is the NTC doing on a monthly basis?

**Mr Bachoo:** Mr Speaker, Sir, I can say that this year we are doing well and, in fact, we had taken a soft loan of Rs40 m from the Ministry of Finance. We are trying to repay that. We are paying the interest also, but we are able to make our both ends meet since January up till now. We are not having much problem of cash flow.

**Mr Bérenger:** Since January of this year, therefore, NTC is servicing all its debts and breaking even.

**Mr Bachoo:** As far as the previous heavy backlog is concerned, we have made a request to the Ministry of Finance to look into the matter. We are not able to settle anything on that. But as far as the latest debt which we have taken about Rs40 m., we have been able to pay about Rs8 m.

**Mr Bérenger:** Yes, but my point is: since the beginning of this year, last month and so on, is when the NTC is reimbursing its debts, servicing its interests and so on, is it making a loss or a profit?

**Mr Bachoo:** I have mentioned in my answer that we are making a surplus for the first quarter of Rs9.7 m. and the debt that we have undertaken ourselves, we are servicing it properly.

**Mr Bérenger:** Can we move on to the Ebène Building? Has a revaluation of that building been effected? If yes, the value stands at what? What is the intention of NTC? Is it going to sell that asset? Was that built with the loan on which interest is being paid?

**Mr Bachoo:** In fact, yes, Mr Speaker, Sir. The value is around Rs150 m., and the building is already completed. We have made an appeal to the Ministry of Finance that the building has to be sold, and that part of money has to be paid in terms of loans and the rest will have to be put in NTC for the procurement of buses.

**Mr Bérenger:** In the meantime, that building, which is worth Rs150 m., is standing idle. Is interest being paid on a loan that was used to purchase that building and, if yes, how much interest has been paid to date?

**Mr Bachoo:** Yes, in fact, interest is being paid, Mr Speaker, Sir. I will get the figure and let you know.

**Mr Bhagwan:** Mr Speaker, Sir, in his reply, the Minister has made mention of two periods, namely 2000-2005 and 2005 onwards. He gave the impression that the NTC was not managed properly between 2000 and 2005 - I may be wrong - and that there has been some progress as from 2005. Can the Minister inform the House who was the Minister responsible from 2000-2004, and who was responsible to see to it that the Board of the NTC and the NTC were being managed properly, and if the NTC was at fault and not functioning properly, who was to be blamed?

**Mr Bachoo:** Mr Speaker, Sir, so far, the debate was on a different platform.

**Mr Speaker:** Yes.

**Mr Bachoo:** Now the fact that politics is coming in, yes, I was the Minister responsible at that time!

*(Interruptions)*

But, Mr Speaker, Sir, one thing I know...

*(Interruptions)*

**Mr Speaker:** Order now! Order!

*(Interruptions)*

**Mr Bachoo:** It is my duty to answer. Mr Speaker, Sir, it all...

*(Interruptions)*

**Mr Speaker:** Order!

*(Interruptions)*

**Mr Bachoo:** Let me answer!

*(Interruptions)*

**Mr Speaker:** Order, order! Let the Minister answer!

**Mr Bachoo:** Mr Speaker, Sir, I was the Minister responsible, but it all depends on what type of support you get from the Government!

*(Interruptions)*

If you get the support, then you go ahead!

*(Interruptions)*

**Mr Speaker:** Hon. Ameer Meea!

*(Interruptions)*

Order, now!

**Mr Ameer Meea:** Mr Speaker, Sir, the hon. Minister gave us figures...

*(Interruptions)*

**Mr Speaker:** Order, now!

**Mr Ameer Meea:** The hon. Minister gave us figures on the number of employees; there were 3,068 employees in 2005...

*(Interruptions)*

**Mr Speaker:** Order, I said!

**Mr Ameer Meea:** ...and 2,562 in June 2011, that is, a decrease of 506 employees, representing almost 17%. He also gave us the reason of retirement, misconduct and pilferage.

Can I ask the hon. Minister if he can give us a breakdown in terms of retirement, pilferage and misconduct, and if he can also clarify on pilferage?

**Mr Bachoo:** Almost 75% of the cases concern retirement, 25% are on pilferage and other misbehaviours. I do not have the details with me, but one thing is clear, Mr Speaker, Sir. It is clear that we cannot tolerate anybody caught in getting involved in any illegal activity at the NTC. We cannot allow these people who are responsible for the situation to go on doing whatever they want to do. We cannot allow them to fatten themselves on the NTC. That is out of question.

*(Interruptions)*

**Mr Speaker:** Hon. Lesjongard!

**Mr Lesjongard:** Mr Speaker, Sir, in an earlier statement, the hon. Minister had stated that, with the implementation of the LRT, there is going to be considerable job losses in the transport sector, and that is why he was against the LRT.

*(Interruptions)*

Today, he is making a different statement. Can I know on what basis is he making that statement?

**Mr Bachoo:** I would request the hon. Member not to misquote me. At a given point in time, we were talking in terms of general loss. We had given the guarantee to those working at the NTC that such will not be the case. As a responsible government, it is our duty to protect employment.

*(Interruptions)*

**Mr Speaker:** Order, order! There is no need for any comment!

**Mr Obeegadoo:** Mr Speaker, Sir, if I correctly understood the figures quoted by the Minister concerning accidents, the projection for this year would mean that the figure of 2006 will have more than doubled in terms of accidents. That being the case, can I understand what is the policy rationale for all the buses of average 19 years of age to be used for schools independently of whether they are properly manned and properly maintained?

**Mr Bachoo:** Mr Speaker, Sir, I have mentioned that, even before 2005, the practice was there for NTC buses, being given that NTC was running at a big loss. Even the then government could not procure additional new buses. The policy was that, under strict conditions, at least, permission could be granted. We have continued that, but I have also given assurance to the House, being given that the financial situation is improving. We are proving ourselves with 117 new buses, and another 100 buses will come next year. I am not debating for the sake of debate; I am telling nothing but the truth. As a government, we are concerned, and all the workers of the NTC know how much we are concerned about the future of the workers and the future of the bus industry in this country.

**Mr Barbier:** May I know from the Minister whether any private company has shown some interest to buy and to run the NTC? May we at the same time know what is the total asset value of the company actually?

**Mr Bachoo:** Mr Speaker, Sir, if private companies, in private, are discussing about the possibility of taking over the NTC, that gives an indication that NTC has got a bright future; otherwise, the private sector would not have been interested.

*(Interruptions)*

**Mr Bérenger:** Mr Speaker, Sir, we have had a forensic exercise at the STC, which found out quite incredible things. Has consideration or is consideration being given to having such type of STC forensic exercise at the NTC?

**Mr Bachoo:** The hon. Leader of the Opposition is a bit late, because that investigation is already on.

**Mr Bérenger:** From whom?

**Mr Bachoo:** It is already on; the firm is already investigating.

**Mr Bérenger:** From whom?

**Mr Bachoo:** It is the same firm which investigated in STC.

**Mr Bérenger:** Very good! Finally, Mr Speaker, Sir, we have heard about the restructuring plan being considered by government and the NTC. Can we know where matters

stand? Will the hon. Minister reassure that no consideration is being given to having the NTC change from a corporation to a company under the Companies Act?

**Mr Bachoo:** With regard to the first question, the plan has already been submitted to the Ministry of Finance, and the technicians of the Ministry of Finance are studying it and, as far as the second part of the question is concerned, the answer is in the negative.

*(Interruptions)*

**Mr Speaker:** Questions addressed to Dr. the hon. Prime Minister! The Table has been advised that Parliamentary Question No. B/697, addressed to Dr. the hon. Prime Minister, will now be replied by the hon. vice-Prime Minister, Minister of Finance and Economic Development, and Parliamentary Question No. B/746, addressed to the hon. Minister of Labour, Industrial Relations and Employment, will be answered by Dr. the hon. Prime Minister, if time permits. Hon. Nagalingum!

### **SUGARCANE PLANTATIONS - ARSON**

**(No. B/696) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the sugarcane plantations, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases of arson thereof, over the past two years, indicating the additional measures that will be taken to prevent the commission thereof.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, from July 2009 to 14 July 2011, three cases of arson in sugarcane plantations have been established by the police.

Mr Speaker, Sir, as a preventive measure against burning of sugarcane fields, the local police, the local CID, ERS, DSU, during patrols in their respective Divisions, also patrol in the vicinity of sugarcane plantations. In addition, the SSU deploys two mobile patrols on a daily basis during the night, in support to Northern and Metropolitan (North) Divisions, and the SMF deploys three mobile patrols on a daily basis, again during the night, in support to Eastern, Western and Southern Divisions for stop and search operations; this is to prevent and detect offences, and also for covering these regions as a preventive measure against sugarcane burning.

During police community forums, the police also sensitise planters on fire prevention and neighbourhood watch.

Mr Speaker, Sir, the Ministry of Agro-Industry and Food Security has in 2010 set up a High Powered Committee to control the outbreak of sugarcane fires in small/medium planters' fields. The Mauritius Sugar Authority was entrusted with the responsibility for the monitoring of the situation regarding cane fires for crops 2010 and 2011 with the collaboration of all stakeholders, namely the Farmers' Service Centre, the Cane Planters and Millers Arbitration and Control Board, the Sugar Insurance Fund Board, the Police, the Government Fire Services, the Mauritius Sugar Producers' Association, and the representatives of planters.

The decisions and modalities accepted by all stakeholders include, amongst others -

- a more proactive role of planters through the setting up of neighbourhood watch, with the collaboration of the Police Force;
- proper maintenance of fields by controlling weeds and trashing, what is called ("*dépaillage*") of cane along the main access roads before the start of harvest;
- consolidation of regular and visible patrols made by Police Force and Government Fire Services in fire prone areas, and
- the preparation of a TV programme in Creole and Bhojpuri involving all stakeholders with the collaboration of the MBC to sensitise planters on the issues pertaining to the problem of cane burning, such as -
  - impact of cane fires;
  - measures taken to minimise the outbreak of sugarcane fires for the Crop 2011, and
  - protocol to be adopted by the small/medium planters with the support and collaboration of the other stakeholders during and after sugarcane fires.

The TV programme was recorded on 30 June of this year in Creole and Bhojpuri and broadcast on 02 July 2011. Such broadcast would be repeated.

Mr Speaker, Sir, I should perhaps remind the House that the penalty under the Criminal Code, in respect of the offence of arson has been stiffened in December 2008; it was initially for a period of penal servitude for a term not exceeding 10 years. It has now been changed to a term not exceeding 20 years. Also, in cases of arson causing death, the punishment is penal

servitude for life or, where the court is satisfied that compelling reasons exist, which justifies the imposition of a lesser sentence, for a term not exceeding 60 years.

**Mr Baloomoody:** The hon. Prime Minister mentioned that there have been three cases of arson. Can we know how many of them have been prosecuted and how many convictions have we secured?

**The Prime Minister:** What I have said is: the three cases have been established by the Police and, therefore, the prosecution is on.

*(PQ No. B/697 – See after PQ No. B/745)*

### **PASSPORT BOOKLETS & PASSPORTS PERSONALISATION SYSTEM**

**(No. B/698) 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 whether, in regard to the purchase of new passport booklets and the maintenance of the Passport Personalisation System, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the total cost thereof, indicating where matters stand, including the amount of money disbursed as at to date.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that on 29 June 2004, a contract was awarded for a period of five years to the American firm Global Enterprise Technologies Corporation, locally represented by Harel Mallac Technologies, for the introduction of a new Passports Personalisation System, the purchase of 250,000 new passport booklets and consumables for the printing of a first batch of 50,000 passports. The contract was for Rs93,317,243.

According to the terms and conditions agreed in 2004 between the Police Department and the contractor, the latter was to keep the intellectual property rights on all software and documentation included in the project. The copyright licence granted to the Passport and Immigration Office was non transferable for a minimum period of 20 years.

The contract also contained a clause putting an obligation on the Passport and Immigration Office to pay all taxes levied on Global Enterprise Technologies Corporation.

Since 2004, an amount of Rs246,928,682 have been disbursed by the Police Department under the project as follows -

ITEM	AMOUNT PAID (RS)
Initial contract amount	93,317,243
Maintenance charges payable to the contractor as from October 2006	25,048,442
Purchase of 100,000 additional booklets in 2007/2008	16,349,999
Purchase of 12,000 additional booklets in 2010	3,912,700
Purchase of Consumables for the period 2005 to 2010	78,084,549
Taxes for the period 2005 to 2009	30,215,749

Mr Speaker, Sir, the Director of Audit in his report for 2010, has brought out that, and I quote -

“The contract provisions included an unfavourable taxation clause as a result of which the Police Department had to disburse an additional unexpected sum of Rs30.2 m. in June and December 2009”.

Prior to the expiry of the contract on 29 June 2009, in view of the exclusive rights kept by Global Enterprise Technologies Corporation on the system, the Passport and Immigration Office negotiated new terms and conditions for the renewal of the contract, in order to avoid the payment of all taxes. The two parties have then agreed on new terms and conditions whereby the Police Department will, *inter alia*, import blank passports directly from Global Enterprise Technologies Corporation, and not via its local representative. In regard to the tax issue, Global Enterprise Technologies Corporation has applied, on 21 March 2011 of this year, to the Mauritius Revenue Authority for a ruling under Section 159 of the Income Tax Act, to determine whether provisions of the Act are applicable to income derived by the American firm under the contract. The ruling of the Mauritius Revenue Authority is awaited.

Pending the signature of the new contract, the initial contract has been extended on a quarterly basis up to December 2010 and on a month to month basis since January 2011.

**Mr Ameer Meea:** Mr Speaker, Sir, with regard to the signing of the contract on a monthly basis, will the hon. Prime Minister agree that this is costing higher than what it should have been, if we have signed the contract for a period of four or five years.

**The Prime Minister:** Well, if the hon. Member had read the report of the Audit, you would have said how the Director of Audit has criticised the way the contract was made in 2004. That is why; we are doing what we are doing because we think that we should correct what was wrongly done.

**Mr Ameer Meea:** Mr Speaker, Sri, I have read the Director of Audit Report. In fact, it is said that “Rs30 m. is being paid to the MRA in terms of Value Added Tax and other levy”, that is, if Government is paying it on the right hand, it is going on the other hand. Government is not losing any money out of the contract that has been made in 2004 ...

**Mr Speaker:** No, the hon. Member is making a statement!

**The Prime Minister:** Obviously, the hon. Member has not read it properly. Reading it and understanding it are two things. The contract says: “provisions included an unfavourable taxation clause”; it means what it means.

#### **CIVIL AVIATION - AREA CONTROL CENTRE PROJECT**

**(No. B/699) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Area Control Centre Project, he will, for the benefit of the House, obtain from the Civil Aviation Department, information as to the -

- (a) implementation cost thereof and;
- (b) annual maintenance cost thereof, indicating the -
  - (i) name of the contractor who was awarded the maintenance contract, and
  - (ii) procurement method used therefor.

**The Prime Minister:** Mr Speaker, Sir, records indicate that in 1992, a French firm SOFREAVIA, was appointed to carry out a preliminary study of the Area Control Centre to define the scope of work and provide an estimated cost. The Consultant submitted its report in 1993.

The objective of the project was initially to replace the old obsolete equipment and systems with High Frequency transmitters and receivers used for air-ground communications to adequately respond to the changes in the aviation industry.

Consequently, the project was reviewed in the light of developments taking place in the field of aviation technology whereby all ground-based communication equipment were being replaced by new satellite-based equipment. The satellite-based system was recommended by ICAO for adoption by Member States.

Accordingly, in 1996, Airways Consulting of New Zealand was appointed to review the Report of the first Consultant taking into account the new developments.

In its report dated June 1997, the Consultant recommended the construction of a new building as well as the installation of new satellite-based equipment and systems to replace the old equipment.

Based on the recommendations of the Consultant, tender documents were prepared by the Civil Aviation Department. The tenders were floated in May 1998.

In May 1999, Airsystem - ATM Australia was awarded the contract for the supply, installation and commissioning of equipment for the sum of USD626.4 m.

In September 1999, Joint Venture Allied Builders Ltd/Laxamanbhai Ltd was awarded the contract for construction of an Area Control Centre building for the sum of Rs118.4 m.

Mr Speaker, Sir, in regard to part (a) of the Question, I am informed that the implementation costs of the Area Control Centre Project amounted to Rs784,440,000 made up as follows -

- Consultancy and Engineering Services - Rs26.9 m.
- Construction of the Area Control Centre - Rs118.4 m.  
Building
- Supply, Installation and Commissioning of the - Rs626.4 m.  
Equipment and Systems

- Training of personnel - Rs12.7 m.

As regards to parts (b) (i) and (ii), the maintenance contract for a duration of 10 years formed an integral part of the main contract for the supply, installation and commissioning of the equipment, which was awarded to Airsys ATM Australia in May 1999 following an open international tender. The company is now known as Thales ATM, Australia.

The annual maintenance support for the first year amounted to 1,164,000US Dollars plus VAT. The maintenance fee for year 2 to year 10 ending 2012 is 220,000US Dollars plus VAT.

In all, around Rs96 m. have been spent on maintenance of equipment for the first nine years of the contract. The Department of Civil Aviation proposes to review the contract on its expiry in June 2012.

Mr Speaker, Sir, as recommended by the maintenance Contractor Thales ATM, the Aviation Database System had to be upgraded and a contract was awarded to the suppliers of the equipment, a company called Egisavia Ltd of France in October 2010 for the sum of Rs6.7 m.

In December 2010, another contract was awarded to Thales ATM of Australia for the software upgrade of Air Traffic Management System for the sum of Rs45 m.

I wish to point out, Mr Speaker, Sir, that with the implementation of the Project, the Department of Civil Aviation is now collecting revenue from Route Air Navigation Charges to the tune of Rs200 m. annually compared to Rs50 m. prior to 2003.

**Mr Uteem:** Mr Speaker, Sir, this is obviously very important to get revenue and also to ensure safety. Is the hon. Prime Minister aware that on 09 July 2011 there was a breakdown of the system and the people responsible for maintenance were nowhere to be found?

**The Prime Minister:** That is not quite correct, there were some problems with the system and that is being enquired into, but they were found; it is not that they could not be found.

**Mr Uteem:** Mr Speaker, Sir, in view of the sensitive nature of this software, would the hon. Prime Minister consider providing training and empowering Members of the Civil Aviation Department to be able to monitor and maintain the system themselves instead of paying a huge sum of money to foreigners to maintain the system.

**The Prime Minister:** That is being done; they want to train local people as far as possible, Mr Speaker, Sir.

#### **RRA - 2011 BY-ELECTION**

**(No. B/700) Mr J. F. François (Third Member for Rodrigues)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Rodrigues Regional Assembly by-election 2011, he will, for the benefit of the House, obtain from the Electoral Commissioner, information as to the -

- (a) number of public officers who were involved therein, and
- (b) total costs incurred therefor and table a list of the items of expenditure.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Electoral Commissioner that 346 public officers were involved in the organisation of the Rodrigues Regional Assembly by-elections 2011 for the two local regions, namely, Baie aux Huîtres and Grande Montagne.

In regard to part (b) of the question, I am informed by the Electoral Commissioner that an amount of Rs3,258,091 (three million, two hundred and fifty eight thousand and ninety one rupees) was incurred for the organisation of the by-elections to meet the following items of expenditure -

	Rs
Fees to Election Staff	1,066,780
Fees to Police Staff	1,500,000
Travelling Allowances	24,115
Overtime	40,000
Air Tickets	252,536
Hotel Accommodation	191,580

Publication of Notices in Newspapers and Publicity and Voter Education Campaign	163,080
Printing of Ballot Papers and Stationeries	20,000

**Mr François:** I thank the hon. Prime Minister. Mr Speaker, Sir, being fully aware of the democratic process of an election and the legality of a recent by election, is the hon. Prime Minister agreeable that the high rate of abstention of electors accounting to 63 and 50% does not reflect the cost effectiveness ...

**Mr Speaker:** The hon. Member is asking the hon. Prime Minister to express an opinion which is forbidden by our Rules. Any further supplementary question?

**Mr Francois:** Mr Speaker, Sir, being given that the elections were held to elect Rodrigues Regional Assembly's Members, is it not a sort of waste of public funds being given ...

**Mr Speaker:** No! Next question, hon. François!

### **RODRIGUES - JUVENILE DELINQUENCY**

**(No. B/701) Mr J. F. François (Third Member for Rodrigues)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Rodrigues, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) the number of cases of juvenile delinquency reported thereat, over the past five years;
- (b) if consideration will be given for the setting up of a branch of the *Brigade des Mineurs* thereat, and
- (c) if any regular awareness campaign is carried out thereat and if not, why not.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that 69 cases of juvenile delinquency have been reported to the Rodrigues Police Division over the past five years.

Currently, the Police Family Protection Unit in Rodrigues is responsible for dealing with juvenile delinquency problem with the support of other units of the Rodrigues Police Division.

In regard to part (b) of the question, in line with its reform under the National Policing Strategic Framework and with a view to consolidating an efficient and effective service to the community, Police has already decided to set up a *Brigade pour la Protection des Mineurs* in Rodrigues.

In regard to part (c) of the question, Police organise regular awareness campaigns and the details are as follows -

- (i) Community Policing Meetings/Forums are held with different stakeholders, including youths, students and women. Since 2005, 119 Community Policing Forums have been organised targeting around 3,500 people;
- (ii) Crime Prevention Campaigns are held at primary and secondary schools, as well as at community centres. Since 2005, 25 crime prevention campaigns have been organised, and
- (iii) Specific campaigns relating to juvenile delinquency have been conducted throughout the island. Since 2005, 42 such campaigns have been organised targeting 7,000 youths.

#### **GOLD JEWELS & ORNAMENTS – THEFT**

**(No. B/702) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to gold, gold jewels and ornaments, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to, since 2005 to date, the number of

- (a) reported cases of theft thereof, indicating -
  - (i) in each case, the value, quantity and quality thereof, and
  - (ii) the number of convictions secured;
- (b) reported cases of possession of stolen property thereof, indicating -
  - (i) in each case, the value, quantity and quality thereof, and

- (ii) number of convictions secured, and
- (c) dealers involved in the purchase thereof, indicating the number of -
  - (i) cases reported to the Police, and
  - (ii) convictions secured.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that since 2005 to date, the number of cases of theft of gold, gold jewels and ornaments reported to the Police is as follows -

<b>YEAR</b>	<b>NUMBER OF CASES</b>
2005	866
2006	819
2007	915
2008	1179
2009	1161
2010	956
2011 (as at 14.7.11)	467

The Commissioner of Police has also informed that the Police do not keep records relating to the value, the quantity and the quality of the jewellery reported stolen or lost.

In regard to part (b) of the question, the offence of possession of stolen property is not, generally, reported as such. It is, generally, in the course of an enquiry into a reported case of larceny or other offence, that the offence of possession of stolen property is disclosed. Since 2005, after Police enquiry, a total of 223 cases involving 240 individuals have been established for the offence of possession of stolen property in respect of gold, gold jewels and ornaments.

In regard to part (c) of the question, I am informed by the Commissioner of Police that convictions have been secured in 541 cases involving 688 individuals.

In regard to part (d) of the question, since 2005 to 14 July 2011, 32 dealers have been charged for the offence of possession of stolen property.

Mr Speaker, Sir, the Police has put in place operational arrangements to curb such offences through intensification of strategic and concerted mobile patrols by different units of the Force, targeted stop and search operations, and the use of new technologies such as “portrait robot”, the Closed Circuit Television Surveillance System and the new Digital Radio Communication System.

The legislative framework is also being looked into. The Ministry of Industry and Cooperatives has set up a committee comprising the relevant stakeholders to work on amendments to be brought to the Jewellery Act to better regulate the purchase of jewellery by jewellers including the proper Record, keeping of registers and the mode of advertisement for the purchase of gold.

**Mr Uteem:** Mr Speaker, Sir, may I know from the hon. Prime Minister whether there is any record of the amount of jewel that has been recovered by the Police following their enquiry?

**The Prime Minister:** As I explained, Mr Speaker, Sir, the Police do not keep the record on the amount. They look just for the prosecution but they do not keep records relating to value, quality or quantity.

**Mr Bhagwan:** Mr Speaker, Sir, there are a few jewellers’ shops found in certain big towns and big villages which are being specialised in purchasing these stolen properties and it is known by the public because of the price of gold and also a number of cases of larceny. Can the hon. Prime Minister inform the House whether the Police have set up a unit – the CID or whatever - to effect a sort of surveillance and then monitor the situation with regard to these unscrupulous jewellery owners?

**The Prime Minister:** In fact, the Police are doing this. That is why I also said that the legislative framework is also being looked at because we need to have them to have proper registers. They have to record properly what they have and also on the mode of advertisement for the purchase of gold.

## POLICE FORCE - FEMALE POLICE OFFICERS - PROMOTION

**(No. B/703) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the vacancies at Gazetted Office level on the female establishment of the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if he will consider making recommendations to the Disciplined Forces Service Commission for the filling thereof.

**The Prime Minister:** Mr Speaker, Sir, on the understanding that, by the words “Gazetted Office level”, the hon. Member is referring to Female Police Officers of the rank of Deputy Assistant Superintendent of Police and above, I would like to point out that promotion in the Police Force falls under the purview of the Disciplined Forces Service Commission and is governed by Regulations 14 and 19 of the DFSC Regulations and Standing Order 16.

I am informed by the Commissioner of Police that a major promotion exercise in the Police Force has been initiated starting with the promotion of officers of the ranks of Constable and Sergeant.

This first phase also includes Women Police Officers. The exercise for the filling of the vacancies in the rank of Chief Inspector and above, including Women Police Officers in higher posts, is under process for submission to the Disciplined Forces Service Commission.

I should add here, Mr Speaker, Sir, that the Police are examining the whole issue with a view to merging male and female grades in order to ensure that all job titles in the Police Force are gender neutral and encouraging the female elements to participate in all the activities just like their male counterparts to enhance their promotion prospects.

**Dr. S. Boolell:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether he has been made aware that for the past four years there has been no appointment at Senior Woman Police Officer level and that this is quite discouraging for all female officers.

*(Interruptions)*

**The Prime Minister:** I do not give instructions to the Disciplined Forces Service Commission.

**Mr Speaker:** I am sorry. This is in the hands of the Disciplined Forces Service Commission. It is an independent body. Next question! Hon. Lesjongard!

### **ROUTE DES PAMPLEMOUSSES, PORT LOUIS - ACCIDENTS**

**(No. B/704) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Route des Pamplemousses, Port Louis, in the vicinity of the Latanier Bridge, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of -

- (a) road accidents which have occurred thereat, over the past three years, indicating the number thereof which were fatal, and
- (b) speed checks carried out thereat, since January 2011 to-date, indicating the number of contraventions booked.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that the number of road accidents which occurred in the vicinity of the Lataniers Bridge along the Pamplemousses Street, Port Louis over the past three years is as follows -

- From July 2008 to June 2009, there were five accidents out of which one was fatal.
- From July 2009 to June 2010, there were 14 accidents out of which two were fatal.
- From July 2010 to June 2011, there were five accidents and none were fatal.

In regard to part (b) of the question, I am informed by the Commissioner of Police that due to heavy flow of vehicles along this road in both directions, the traffic is slow and even stagnant for brief intervals, especially during peak hours. There are appropriate road markings and traffic signs along this road. There are also humps which deter drivers to speed.

Further, regular mobile patrols are carried out by police officers posted at the Abercrombie Police Station, supported by the Traffic Branch, the Divisional Traffic Police, the Divisional Support Unit and the ERS along the Pamplemousses Road.

During the period January 2011 to 14 July 2011, a total of 224 road traffic contraventions were established along Pamplemousses Road, Port Louis.

**Mr Lesjongard:** In view of the number of accidents in that area and also in view of the traffic congestion during peak hours, will the hon. Prime Minister ask the authorities concerned to install traffic lights in view to regulate the traffic in that area?

**The Prime Minister:** It is not necessarily that traffic lights actually make the flow quicker, if we look at what is happening in some places. There is a Unit which looks at that, I will let them do what they think. I don't want to go and tell them what they should have to do.

#### **WORKERS (FOREIGN) - DEPORTATION**

**(No. B/746) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to foreign workers, he will state the number thereof who have been deported, since 2005 to date, indicating in each case, the -

- (a) reasons therefor;
- (b) nationality thereof, and
- (c) sector in which the foreign worker was working.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I shall reply to this question.

Since 2005, no foreign worker has been deported as such, in accordance with the procedure laid down in the Deportation Act 1968.

I understand that the hon. Member is perhaps referring to the repatriation of foreign workers, I am informed by the Commissioner of Police that for the period 2005 up to 15 July 2011, 1,055 foreign workers were repatriated after cancellation of their respective work and residence permits.

In regard to part (a) of the question, these foreign workers were involved in illegal strikes or misconduct at their place of work.

In regard to part (b) of the question, the breakdown by nationality of these foreign workers who were repatriated is as follows -

- 368 Sri Lankan
- 338 Indian
- 190 Bangladeshi
- 110 Chinese
- 45 Malagasy
- 4 Nepalese

In regard to part (c) of the question, these foreign workers were working in the textile, leather garment manufacturing and construction sectors.

Mr Speaker, Sir, while we welcome foreigners, including foreign workers, Mauritius is an “*Etat de Droit*” and we have to ensure that these foreigners do not, in any manner, directly or indirectly, flout the laws of the land.

Also, in respect of foreign workers, employers and *bona fide* and duly registered recruiting agents have to adhere strictly to the terms and conditions agreed in the contract of employment. My Office is working in close collaboration

with the Ministry of Labour, Industrial Relations and Employment to closely monitor the situation and to ensure compliance.

**Mr Uteem:** Mr Speaker, Sir, may I know from the hon. Prime Minister whether there was any repatriation which resulted from the decision of the Government not to renew the work permits?

**The Prime Minister:** Renew the work permits of a particular group?

**Mr Uteem:** Of the workers! As a result of the decision of the Government not to renew work permits, therefore, they had to be repatriated.

**The Prime Minister:** It depends on their work permit conditions. If it had expired, it could well be that Government decided not to grant.

**Mr Bérenger:** The hon. Prime Minister will agree with me that more than 1,000 foreign workers being deported is a lot. Can I know which services carry out the enquiry that results into those deportations and who takes the final decision?

**The Prime Minister:** I said, Mr Speaker, Sir, that they were not deported. They were repatriated because the Deportation Act of 1968 was not used. But when these happen, normally there is a complaint; not only is my Office eventually involved, but the Ministry of Labour, Industrial Relations and Employment is first of all involved. There is an enquiry which is carried out to see whether this has been the case; whether there had been conduct which is not appropriate and all this.

**Mr Obeegadoo:** Mr Speaker, Sir, given that the strikes and misbehaviour - I think that was the term used by the hon. Prime Minister - refer, of course, to disagreement as to terms and conditions of employment, will the hon. Prime Minister not agree that the sheer numbers quoted call for energetic new measures for the State to provide assistance to these workers given that the balance of force is very much in favour of employers and that there needs to be, for instance, a hotline for these workers, appropriate staff and equipped Inspectorate ...

**Mr Speaker:** The hon. Member is making a statement!

**Mr Obeegadoo:** ...to give assistance?

**The Prime Minister:** In fact, we are looking at all this, Mr Speaker, Sir. Perhaps, it appears to be that there is this imbalance. But also, I must say that, for example, the Prime Minister of Bangladesh had a meeting with me during the last Commonwealth Meeting that we had and she had agreed that there have been some people in Bangladesh who are being unscrupulous and trying to fool these workers on contracts they should not have signed and brought them here. She is putting order on her side and we have said we are obliged to do what we are doing, because of the way these people have been processing these permits and that is being done at this point.

**Mr Bérenger:** We have been told that various services carry out enquiries in relation to these repatriated workers. Who takes the final decision?

**The Prime Minister:** The final decision has to come to my Office, Mr Speaker, Sir; not directly to me, but to the Prime Minister's Office.

**Mr Baloomoody:** Mr Speaker, Sir, we have learned that many of the foreign workers have complained about conditions of the contract which have not been abided to by the employer. Can the hon. Prime Minister inform the House whether those people, who have been

repatriated, have been given whatever was due on the contract before they were deported? Were they paid all their fees, their allowances and whatever was due in their contract to them before they were deported by the employers?

**The Prime Minister:** This has to be looked into, Mr Speaker, Sir. I would take it that they must have been, otherwise, there would have been issues in the courts of law.

**Mr Speaker:** Time is over! I will suspend the sitting now to enable hon. Members to attend the funeral of the son of the hon. Pillay Chedumbrum. We will resume at 3.00 p.m.

*At 12.29 p.m. the sitting was suspended.*

*On resuming at 3.06 p.m with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** The Table has been advised that Parliamentary Questions B/708, B/712, B/713, B/714, B/736, B/737, B/740 have been withdrawn. Yes, hon. Labelle!

#### **TERTIARY EDUCATION COMMISSION - HEAD, QUALITY ASSURANCE & ACCREDITATION DIVISION**

**(No. B/705) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the post of Head of Quality Assurance and Accreditation at the Tertiary Education Commission, he will, for the benefit of the House, obtain from the Commission, information as to-

- (a) the date same became vacant, indicating if applications have been invited for the filling thereof, and
- (b) if any officer of the Commission was appointed in an acting capacity therefor and, if so, indicate the -
  - (i) period therefor, and
  - (ii) name of the officer, indicating if he is still in post and if not, the reasons therefor.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, I am informed by the Tertiary Education Commission (TEC) that the post of Head, Quality Assurance and Accreditation Division, became vacant on 27 February 2006. Applications were invited for filling of the post on 23 May 2011,

as per the existing scheme of service, as approved by the Ministry of Civil Service and Administrative Reforms. The recruitment process is ongoing.

Mr Deputy Speaker, Sir, I would like to inform the House that a review of the Regulatory Framework which includes a reorganisation of the Tertiary Education Commission is being considered by my Ministry and overseas Tertiary Education Institutions in India, Malaysia and Australia have been contacted to undertake this study. Furthermore, we have solicited the assistance of Nanyang University from Singapore.

As regards part (b) of the question, Mr Vivek Gupta Ramnarain, Quality Assurance and Accreditation Officer, being the senior most officer in the Quality Assurance and Accreditation Division was appointed as Officer in Charge of the Quality Assurance and Accreditation Division on 23 May 2006. He was subsequently appointed as Acting Head of the Quality Assurance and Accreditation Division on 21 July 2007 until 25 May 2010.

The TEC Board, at its Meeting held on 24 May 2010, decided to terminate the actingship of Mr Ramnarain as Head, Quality Assurance and Accreditation Division with effect from 25 May 2010 since the Division was being reorganised.

**Mrs Labelle:** Thank you, Mr Deputy Speaker, Sir. The hon. Minister just mentioned that the actingship of Mr Ramnarain was terminated following a Board Decision. May I ask the hon. Minister whether there was any adverse report on this gentleman?

**Dr. Jeetah:** I am not aware of any such report, Mr Deputy Speaker, Sir.

**Mrs Labelle:** May I, Mr Deputy Speaker, Sir, ask the hon. Minister whether he has been made aware that at the time this gentleman was acting as Head, he was also a part time Lecturer at different institutions and whether this was considered as a case of conflict of interest?

**Dr. Jeetah:** It could have been. I must check, but as I said, Mr Deputy Speaker, Sir, we are in the process of reorganising the Tertiary Regulatory Framework with assistance of other countries. We are looking at all these issues.

**Mrs Labelle:** Thank you, Mr Deputy Speaker, Sir. The hon. Minister has also mentioned that the post was advertised as per regulation. Has there been any change in the regulation, that is, in the terms of conditions for this post? Was it previously a condition that preference was to be given to PhD holders and whether this has been changed?

**Dr. Jeetah:** I have checked the recommendations of the Civil Service. I see that Ph.D could be in lieu of some other qualifications, but I would tend to agree with the hon. Member that I think today with the way the tertiary sector is evolving, we will have to reconsider may be and make sure that somebody who is in charge of such a unit would need to go through the process of having a Ph.D.

**The Deputy Speaker:** A last question!

**Mrs Labelle:** Thank you, Mr Deputy Speaker, Sir. Must I take it from the hon. Minister that he will see to it that the condition of preference given to PhD holders will be reinstated in the advertisement particularly when we are looking for more research in our country? Will he see to it that we reinstate this condition?

**Dr. Jeetah:** Mr Deputy Speaker, Sir, I will have to go by the Scheme of Service, but then today when there is an advertisement for a job, you tend to get PhDs as well. I hope they will qualify and we would be in a position to employ a PhD for such a position.

#### **DIAPERS - BEDRIDDEN CITIZENS**

**(No. B/706) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the scheme for the provision of nappies to the bedridden senior citizens, she will state if consideration will be given for the extension thereof to other bedridden citizens, including the children.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I wish to draw the attention of the House that children were the first beneficiaries of the scheme for the provision of diapers and this became effective as from July 2007.

Recently, an additional allowance under the Social Aid Act is paid in respect of children who are in receipt of social aid and suffering from incontinence as certified by a medical practitioner. As at date, there are some 251 such beneficiaries.

Hence, Mr Deputy Speaker, Sir, the question of extending the benefit to children does not arise. The scheme for the elderly became effective as from January 2010 and, so far, 1219 needy, bedridden elderly persons, aged 75 and above are benefiting from an incontinence allowance on the basis again of a medical certificate.

As regards those bedridden persons aged below 75 and suffering from incontinence as certified by a medical practitioner, the National Solidarity Fund provides a one off financial assistance up to Rs15,000 to those in need of diapers.

**Mrs Labelle:** Mr Deputy Speaker, Sir, first of all, the hon. Minister has mentioned that this scheme is being extended to children. I would like to have, if possible, the age group of these children.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I mentioned that this facility was first provided to children then extended to elderly. In fact, it applies to children between the ages of 2 to 15 years after which, after the age of 15 years they will benefit from other assistance from the Ministry.

**Mrs Labelle:** Mr Deputy Speaker, Sir, this is the clarification I wanted to have because I am aware that there are youngsters of 16 years, and even 15, who don't benefit from this scheme. The hon. Minister has mentioned that for this assistance, they can go to the NSF. Is the hon. Minister aware of the tedious procedure there? It is only a one off and it is not a regular assistance. Will the hon. Minister consider having some measures for regular assistance? Because if someone is bedridden, Mr Deputy Speaker, Sir, he is not bedridden one off. It is a continuous state.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, the criterion is income based, so we cannot extend the facility to all the citizens, but those who are deserving and those for whom social inquiries are carried out and found to be eligible, will certainly benefit.

**The Deputy Speaker:** Last question!

**Mrs Labelle:** Thank you, Mr Deputy Speaker, Sir. Of course I was referring to those who can benefit depending on their income. For this group of persons, will the hon. Minister consider having some measures so that they can benefit on a regular basis and not one time off.

**Mrs Dookun-Luchoomun:** As I mentioned earlier, Mr Deputy Speaker, Sir, after the age of 15 there are other forms of assistance in terms of basic invalidity pension so as to support the children suffering from incontinence.

## SPORTS - STRATEGIC PLAN

**(No. B/707) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Youth and Sports whether, in regard to sports, he will state if Government proposes to come up with an integrated Strategic Plan for the fostering of the culture thereof among the citizens.

**Mr Ritoo:** Mr Speaker, Sir, one of the major preoccupations of my Ministry has been to encourage the practice of sports at all levels. In fact, under the relevant PBB programme of my Ministry, provision is made to encourage sports for all and its democratisation through the organisation of sports activities for the public, including women.

In this respect, my Ministry works in close collaboration with the Local Authorities, the Ministry of Education, the Ministry of Health, *Commission Nationale de Sport Féminin*, Sports Federations, Mauritius Secondary Schools Sports Authority and the NGOs to motivate people of all ages to practise sports.

Regarding the Integrated Strategic Plan enunciated in the Government Programme 2010-2015, my Ministry has set up a committee to prepare same and to come up with a policy in order to streamline and boost the work already being done to foster the culture of sports.

Already, besides the sports facilities available in our youth centres, I have also arranged for fitness equipment to be placed in most of these centres so that people can make use of them at their own pace and leisure.

**Ms Anquetil:** Merci M. le président, le sport est un élément essentiel de la société et sa promotion est importante. Dans le plan stratégique pour encourager la population à faire du sport, le ministre pourrait-il indiquer à la Chambre si, dans sa démarche, il prévoit également un encadrement concernant le sport pour les enfants, les seniors, les handicapés physiques et visuels ?

**Mr Ritoo:** In fact, Mr Deputy Speaker, Sir, we are working closely with the Ministry of Education for sports at primary school level and also for the senior citizens to practise sports.

**Ms Anquetil:** Une dernière question. Je voudrais aussi savoir du ministre si, dans sa démarche, il prévoit une consultation avec tous les partenaires ?

**Mr Ritoo:** Bien sûr, M. le président.

**The Deputy Speaker:** Yes hon. Khamajeet, you have a question?

**Mr Khamajeet:** Concerning the preparation of the strategic plan for the promotion of sports, can I ask the hon. Minister whether any scientific studies had been made to come up with strategies so that we can touch all the different segments of the population?

**Mr Ritoo:** Well, we have now come up with the committee. I think the committee set up to look into the strategic plan will consult the responsible people.

**Mr Obeegadoo:** Yes, Mr Deputy Speaker, Sir, within the perspective of this strategic plan, will the hon. Minister commit to resuscitating the agreement of 2003 or 2004 between Ministry of Sports and Ministry of Education for all playing fields within State secondary schools to be provided with floodlighting and made available to the local community outside school hours?

**Mr Ritoo:** Well, it is the duty of the Ministry of Education to provide for floodlighting, but all the gymnasiums or stadiums pertaining to the Ministry of Youth and Sports are now being provided with lights and are opened to the public.

**Dr S. Boolell:** May I ask the hon. Minister whether he could ascertain that all these centres which are so equipped are opened outside office hours and on Sundays, the whole day, rather than 9.00 a.m to 4.00 p.m.?

**Mr Ritoo:** Well, normally they are opened on Saturdays and Sundays, but now that we are having remarks for excessive overtime by the audit report, we have to see how to balance it.

**Mr Obeegadoo:** Will the hon. Minister check - he seems not to be aware - whether, there did not exist an agreement, whereby all these issues of payments of overtime, cost of lighting, insurance issues had been thoroughly thrashed out as between Education and Sports for all school playgrounds to be made available?

**Mr Ritoo:** We can consult the responsible person and come up with a plan.

**The Deputy Speaker:** Last question hon. Khamajeet!

**Mr Khamajeet:** Mr Deputy Speaker, Sir, as we have an MoU signed between the Ministry of Youth and Sports and the Ministry of Education to allow 12 SSS to stay open after

working hours, can I ask the hon. Minister or both Ministers if they can consider opening more SSS for the practice of sports?

**Mr Ritoo:** There is a Memorandum of Understanding with the Ministry of Education where we have already given directives.

#### **ARTIST WELFARE FUND**

**(No. B/708) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Arts and Culture whether, in regard to the proposal for the setting up of the Artist Welfare Fund, he will state where matters stand.

*(Withdrawn)*

#### **HOSPITALS - PHARMACEUTICAL PRODUCTS**

**(No. B/709) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the Minister of Health and Quality of Life whether, in regard to pharmaceutical products in her Ministry, she will state the measures being taken to avoid -

- (a) wastage thereof, and
- (b) dispensing sub-standard medicine in the government hospitals, clinics and health centres.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, concerning part (a) of the question, the following measures, amongst others, have been put in place at the level of my Ministry to control wastage of pharmaceutical products -

- (i) all requirements for pharmaceutical products are scrupulously examined by a multidisciplinary team comprising the Director, Pharmaceutical Services, consultants of the relevant fields, pharmacists/senior pharmacists, and procurement and supplies officers before launching of tenders;
- (ii) the quantities of pharmaceutical products to be ordered are based on consumption trends and prescription patterns;
- (iii) expensive pharmaceutical products are ordered in instalments and in a staggered manner, in order to increase shelf life and also to save on storage space;

- (iv) pharmaceutical products are issued on a 'first-in first-out', and 'first expired first out' basis as appropriate;
- (v) a computerised inventory system has been developed and is operational at the CSD and Jawaharlal Nehru hospital. This system is currently running parallel with the manual system, which will be phased out gradually. The system will be replicated in other hospitals and will be further improved with the implementation of the e-health project.

To further monitor the stock levels of pharmaceutical products and avoid wastage, it is envisaged to construct a modern warehouse at La Tour Koenig, where all pharmaceutical products will be stored at one place instead of being scattered in different buildings as is presently the case.

Mr Deputy Speaker, Sir, with regard to part (b) of the question, my Ministry takes all necessary steps to ensure that only medicines of internationally recognised standards are dispensed in hospitals, clinics and health centres.

Pharmaceutical products imported for the private sector and sold on the market have to be registered with the Pharmacy Board.

The quality of pharmaceutical products depends on the process of manufacture and quality control based on international standards. All suppliers of pharmaceutical products to my Ministry are, therefore, required to submit a certificate of good manufacturing practice and a certificate of pharmaceutical product issued by the National Drug Regulatory Authority of the country of origin. These certificates, testify by the manufacturing plant is regularly inspected by the National Drug Regulatory Authority in the country of origin and it meets all international standards.

In addition, random samples of pharmaceutical products are sent to Government Analyst Division to ascertain the quality of the products.

**Mr Khamajeet:** Mr Deputy Speaker, Sir, can I ask the hon. Minister the percentage of wastage it represents on total purchase?

**Mrs Hanoomanjee:** The percentage of wastage in Mauritius is 1%, and the World Health Organisation accepts that, within a range of 3% to 5%, it is acceptable.

**Mr Khamajeet:** Can I ask the hon. Minister the amount it represents in terms of rupees?

**Mrs Hanoomanjee:** In terms of rupees, on an average year, wastage amounts to around Rs8 m., and this is inevitable.

### **BELLE MARE TOURIST VILLAGE - CONSTRUCTION**

**(No. B/710) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the tourist village at Belle Mare, he will state if the construction thereof has been completed, indicating -

- (a) the purpose therefor;
- (b) if the procedures for the renting of the outlets thereat have started, and
- (c) the total cost thereof.

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** Mr Deputy Speaker, Sir, I am informed that major infrastructural works, including the construction of the main building and the administrative office of the tourist village of Belle Mare have been completed. However, there are a few snag works that are still ongoing, and these will be completed by the end of July this year.

When the project was announced in the Budget Speech 2006/2007, the declared objective was to give opportunities to small and medium entrepreneurs to sell their products to tourists in the context of what was called 'widening the circle of opportunities'.

As regards part (b) of the question, the modalities for renting the outlets are being looked into, in consultation with relevant parties.

As far as part (c) of the question is concerned, I am informed that the total cost of the project is Rs185 m., inclusive of VAT.

**Mr Khamajeet:** Mr Deputy Speaker, Sir, can I ask the hon. Minister whether the purpose of the tourist village project has changed from the initial project that was launched?

**Dr. Bunwaree:** In some way, yes, I must say, Mr Deputy Speaker, Sir. The project, under its current form - as it is ending soon - may not, in fact, fit in within its original purpose for which it was set, that is, providing SMEs with retail outlets, as I mentioned, at affordable rentals. Therefore, the project needs to be reviewed, to ensure its viability and sustainability. One of the options that are being considered is to look for an operator to manage and operate the tourist village.

**Mr Khamajeet:** Can I ask the hon. Minister if he can inform the House whether his Ministry has worked out the monthly rent per outlet in this project?

**Dr. Bunwaree:** I can't answer offhand. There has been a report submitted to them a few days ago, and they are working accordingly

**Mr Khamajeet:** With regard to the renting process, can I ask the hon. Minister whether it will be publicised in newspapers, so as to give the opportunity to everyone to apply?

**Dr. Bunwaree:** It will be as transparent as possible, Mr Deputy Speaker, Sir.

**Mr Bhagwan:** If I recall, as far as construction and allocation of these tourist villages are concerned, there was a committee set up by government for a follow-up. Can we know who chairs the committee which is supposed to follow this tourist village project?

**Dr. Bunwaree:** I believe the hon. Member is speaking of the Tourist Villages Co. Ltd.

**Mr Bhagwan:** I don't know.

**Dr. Bunwaree:** Yes, it is. According to the file I have in hand, Mr Michael Glover is the director.

**Ms Anquetil:** Being given that the tourist village is a new concept in the country, can the Minister inform the House if he has received any proposals from the Board of the Tourist Village Company Ltd?

**Dr. Bunwaree:** I don't have this information. I'll have to check and inform the hon. Member.

**Mr Bérenger:** I think I heard the hon. Minister say that, finally, to complete that so-called village, it will cost nearly Rs200 m. Can I know what the estimate cost was when the project was adopted, when the plans were made?

**Dr. Bunwaree:** I don't have the exact figures with me, but I must say it is around the same figure; it is not more.

**LA CAVERNE PONT BON DIEU, BELVEDERE/BRISEE VERDIERE -  
REHABILITATION WORKS**

**(No. B/711) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the Minister of Environment and Sustainable Development whether, in regard to *La Caverne Pont Bon Dieu* at Belvedère/Brisée Verdière, he will state if consideration will be given for the -

- (a) rehabilitation thereof;
- (b) provision of facilities for climbing up and down same, and
- (c) carrying out of regular checks thereat by the *Police de l'Environnement*, with a view to averting dumping of waste thereat.

**Mr Virahsawmy:** Mr Deputy Speaker, Sir, I am informed that rehabilitation works, including provision of facilities to climb up and down, were undertaken at La Caverne Pont Bon Dieu in September 2009 by my Ministry.

A site visit effected on 04 July has revealed that all infrastructures in terms of fencing, metal handrails and steps have not sustained damage or loss. However, overgrown trees, shrubs, bushes, weeds and creepers have entangled the fencing, and are making ease of access down the cave difficult for visitors.

Consideration will be given for rehabilitation of the site once again. The local authority would then be requested to undertake maintenance of the site. The *Police de l'Environnement* would be requested to make regular patrols as far as possible, in spite of its depleted resources.

**Mr Khamajeet:** Can I ask the hon. Minister the timeframe for rehabilitation works to start?

**Mr Virahsawmy:** I think everything should be completed within a three-month period.

**Mr Bhagwan:** Can I know from the hon. Minister whether a recent survey has been made concerning all these caverns which are under the responsibility of the Ministry of Environment? Is there a list of priorities which has been set up as far as rehabilitation is

concerned? I am talking particularly about one in the constituency of the Minister, namely La Caverne Madame, which is in Roches Noires and which was rehabilitated a few years back. Can the hon. Minister inform us what is the latest position concerning La Caverne Madame at Roches Noires?

**Mr Virahsawmy:** The latest position was raised two months back in this House, Mr Deputy Speaker, Sir, but I will find out when the surveys were carried out for all the case.

**Mr Khamajeet:** Being given that we have so much dumping materials in this place, can I ask the hon. Minister if anyone has ever been booked, therefore, for illegal dumping?

**Mr Virahsawmy:** No, I am not aware of that, Mr Deputy Speaker, Sir.

#### **MAURITIUS TELECOM - FIBER OPTICS CABLE**

**(No. B/712) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the Minister of Information and Communication Technology whether, in regard to the fiber optics cable, he will, for the benefit of the House, obtain from the Mauritius Telecom, information as to the percentage representation thereof over the total use of cable for connection purposes, indicating the main areas where the use thereof is made.

*(Withdrawn)*

#### **MITD - TRAINING CENTRES/SCHOOLS**

**(No. B/713) Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Education and Human Resources whether, in regard to the new Training Centres/Schools of the Mauritius Institute of Training and Development which came into operation in 2010, he will, for the benefit of the House, obtain from the MITD, information as to –

- (a) the location thereof;
- (b) the date of their coming into operation;
- (c) if additional staff were recruited therefor and, if so, indicate the –
  - (i) number, and
  - (ii) grades of persons recruited, and
- (d) procedures followed for the recruitment thereof in each case.

*(Withdrawn)*

## **ROSE HILL - MARKET PLACE**

**(No. B/714) Mrs L. Ribot (Third Member for Stanley and Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the market place of Rose Hill, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to the additional measures that will be taken to ensure that same is kept in a salubrious state.

*(Withdrawn)*

## **NATIONAL ARCHIVES - PUBLIC ARCHIVES - CUSTODY**

**(No. B/715) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Arts and Culture whether, in regard to the public archives, he will state if the custody thereof is exclusively vested in the National Archives and if not, why not.

**The Minister of Youth and Sports (Mr S. Ritoo):** Mr Deputy Speaker, Sir, according to the National Archives Act No. 22 of 1999, the National Archives is the owner and custodian of all Public Archives.

**Dr. S. Boolell:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether, if anybody wants to have access to the MGI Archives, he will have to go through the Director of the National Archives?

**Mr Ritoo:** The Director of the National Archives is the owner, so we have to go through him.

**Mr Obeegadoo:** Can the hon. Minister indicate which part of the National Archives, the Historical Archives, are located elsewhere than at the Archives building - the existing building?

**Mr Ritoo:** I don't have this answer with me. The hon. Member can ask this question to the substantive Minister.

### **BOIS CHÉRI, MOKA - FOOTBALL PLAYGROUND**

**(No. B/716) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** ask the Minister of Local Government and Outer Islands whether, in regard to the football playground at Bois Chéri, Moka, situated behind the Moka Government School, he will, for the benefit of the House, obtain from the Moka/Flacq District Council, information as to if consideration will be given for the -

- (a) upgrading thereof, and
- (b) provision thereat of
  - (i) lighting;
  - (ii) bleachers, and
  - (iii) a cloakroom.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed by the Moka-Flacq District Council that the chain link fencing of the football ground of Bois Chéri, Moka, situated behind the Moka Government School needs to be repaired as well as some turfing works are required. The Council has indicated that these works will be completed by mid August 2011.

With regard to part (b) of the question, I am informed that the Council will not be in a position to provide lighting, benches and cloakroom at the football ground which is estimated to the cost of Rs1.3 m. due to financial constraints. A request is being made to the National Development Unit to consider the possibility of implementing the said project.

### **UNIVERSITY OF MAURITIUS - FOOTBALL PLAYGROUND**

**(No. B/717) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the football playground of the University of Mauritius, at Réduit, he will, for the benefit of the House, obtain from the University, information as to if consideration will be given for the advisability of –

- (a) the upgrading thereof, and
- (b) provision thereat of
  - (i) lighting;
  - (ii) bleachers, and

(iii) a cloakroom

**Dr. Jeetah:** Mr Deputy Speaker, Sir, I wish to inform the hon. Member that the University of Mauritius is fully aware of the requirements of the upgrading of the football ground of the University.

The provision of the above mentioned amenities will be made of in the next budget, subject to availability of funds.

#### **CIRCONSTANCE, ST PIERRE - TRAFFIC LIGHTS**

**(No. B/718) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the proposed installation of traffic lights at the junction of Circonstance, St Pierre, near '*La boutique Madam*', he will state where matters stand.

**Mr Bachoo:** Mr Deputy Speaker, Sir, work has already started for the installation of traffic lights.

#### **TELFAIR, MOKA - GREEN SPACE**

**(No. B/719) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Local Government and Outer Islands whether, in regard to the proposed creation of a green space at Telfair, Moka, for the purpose of constructing a children playground and other leisure facilities, he will state where matters stand.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed that the inhabitants of Telfair have identified a plot of land on the reserve of a canal found at the entrance of the village and which passes through the property of ENL Ltd. whereas a green space with children garden can be created.

I am informed that the Moka-Flacq District Council is, in principle agreeable to the setting up of a green space with children garden on this land once the clearance from ENL Ltd. is obtained.

#### **LANDS - COMPULSORY ACQUISITION**

**(No. B/720) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Housing and Lands whether, in regard to lands which have

been compulsorily acquired and which have not yet been developed, he will give a list thereof, as at to date, indicating in each case the –

- (a) region;
- (b) value thereof;
- (c) date of purchase;
- (d) name of seller, and
- (e) extent thereof.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, the requested information is being placed in the Library of the National Assembly.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, there has been severe criticisms from the Director of Audit Report, that is, in December 2010, whereby huge sums of money have been used in this transaction and then later the land not used. Can I ask the hon. Minister how can it be that land is acquired compulsorily and then later not used and not developed?

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, I have in front of me a list of 17 such cases. Earlier it used to be above 125 or 150, but luckily, the Ministry has taken strict action against such things and now we are very serious about it. Only those plots are allowed to be compulsorily acquired where money is available in the Budget for the implementation of projects.

**Mr Ameer Meea:** Can I ask the hon. Minister what is being done for land that has already been acquired?

**Mr Bachoo:** For land which has already been acquired, attempt is being made to see to it that the purpose for which the land has been acquired is utilised for that particular purpose, for example, creation of a football ground, public buildings and Police stations also. So, depending on the budget which has been voted, we are going to utilise the land for the construction of buildings.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, can I ask the hon. Minister if there is any study done before the land is acquired and that once acquired the land is not used?

**Mr Bachoo:** Mr Deputy Speaker, Sir, it often happens that the 'forces vives' of a particular area, or Members, Ministers or even other authorities, request Government to proceed with the acquisition of a plot of land and after the acquisition, other problems are encountered, other handicaps come on the way. For example, tenders which we have to launch and which we don't receive at times, and then we have to retender over again. Such things happen in any Government which is in power, but we try to limit as much as possible the amount of land which has been acquired, and that's why repeatedly different departments have been reminded that we have to be very careful before going for the acquisition of land - except in the case of land to be acquired for construction of roads. Here, we are a bit more liberal.

*(Interruptions)*

Why? Because it takes time to acquire the land and, at the same time, within acquisition there are challenges and then you have to go to the Supreme Court and that takes too much time. Meanwhile, when you start the procedures, it also takes time. So, that is the reason why we start the acquisition of land for the enlargement of roads a bit earlier, because takes almost one year before all the acquisitions are completed.

**Mr Bhagwan:** The other problem which crops up is that Government purchases land compulsorily and these lands become nuisances. Can the hon. Minister, at least, transmit to the substantive Minister that land which has been acquired, which has been handed over to one particular Ministry, that this Ministry has the responsibility to clean, to take care of the land, so that it does not become an eyesore and a nuisance to the public or the surroundings?

**Mr Bachoo:** Mr Deputy Speaker, Sir, instructions have already been issued to different departments of the Government to see to it that whatever land they have acquired, have to be kept at least clean. As I have just mentioned, we are left with only 17 such cases. Earlier we used to have over hundred cases.

#### **VIEUX GRAND PORT - HISTORICAL SITES**

**(No. B/721) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Arts and Culture whether, in regard to Vieux Grand Port and the surrounding regions, he will state if a list of the historical sites situated thereat has been

established and, if so, give the list thereof, indicating the measures that are being taken for the maintenance thereof.

**The Minister of Youth and Sports (Mr S. Ritoo):** Mr Deputy Speaker, Sir, I am informed by the National Heritage Fund that there are 20 national heritage sites in the region of Vieux Grand Port and its surrounding regions. I am tabling the list of these sites before the National Assembly.

As regards their maintenance, I am informed that conservation works along with fencing and placing of signage are carried out where required. Site visits are regularly conducted to ensure that these sites are properly maintained.

**Mr Seeruttun:** Mr Deputy Speaker, Sir, looking at the state of those sites as they are now, it looks like they have not been visited by those maintenance officers lately. Is it possible for the Ministry to look into it and see that those sites are being maintained properly and also that they are in an attractive way so that people can go and visit those places as they are of historical importance? I make a request to the Minister so that these can be entertained.

**Mr Ritoo:** Definitely, Mr Deputy Speaker, Sir, I will request the National Heritage Fund to see to it that these sites are well maintained.

#### VEGETABLE AUCTION MARKET

**(No. B/722) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Agro-Industry and Food Security whether, in regard to the vegetable auction market, he will state if the current practice of holding same is being reviewed and, if so, when and, if not, why not.

**Mr Faugoo:** Mr Deputy Speaker, Sir, Government has decided to review the current practice of carrying out vegetable auction which dates back to the last century. The review thereof has been initiated in line with the Food Security Strategic Plan 2008-2011, with the recommendation for a setting up of a new and well structured modern marketing system. A wholesale market has been proposed after extensive consultations with all the stakeholders.

The Government Programme 2010-2015 has stipulated that a national auction market for fresh vegetables and fruits be set up to enable consumers to have access to high quality produce that meets the standards of food safety.

In line with the above, funds for the commissioning of a consultancy for a review of the present system and the setting up of a modern wholesale market/auction market have been earmarked in the budget under the Food Security Fund item.

The Agricultural Marketing Board, the executing agency chosen for the project has already worked out the Terms of Reference (TOR) for the recruitment of a consultancy firm to undertake the design for this whole new system. A workshop was held in July last year on the national wholesale market to finalise the model proposed which will also include a Central Market Information System. The Term of Reference is being finalised in consultation with all the concerned stakeholders.

I must also add, Mr Deputy Speaker, Sir, that my Ministry has identified a site in the periphery of the district of Port Louis for this project.

**Mr Seeruttun:** Mr Deputy Speaker, Sir, may I ask the hon. Minister how many registered auctioneers are there actually?

**Mr Faugoo:** I know that there are three auction markets, but I cannot say how many registered auctioneers there are.

**Mr Seeruttun:** May I know what is the standard commission rate that is practised currently by those auctioneers?

**Mr Faugoo:** I know there is a very big gap between the farm gate price and the price which is being charged to the consumers. There is a big gap and, very often, we have received lot of representations from the planters. This is also one of the reasons why Government is coming up with the idea of putting a new system in place which will allow maybe at the end of the day - it is an option to be exercised - that the auction will be done directly by the farmers to the final wholesalers without going through the intermediary. It is one of the ideas which we are exploring, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Last question!

**Mr Seeruttun:** Given that we are having lots of problems with food security at the moment, is there a time frame set already for the setting up of that new process of auctioning vegetables?

**Mr Faugoo:** We will go rather fast because we are going for the consultancy first to start with and once this is over, I think, we will come up with a specific time frame for the project to be implemented, Mr Deputy Speaker, Sir.

**Mr Barbier:** Mr Deputy Speaker, Sir, am I to understand from the hon. Minister that we are going to have one single auction market for the whole island?

**Mr Faugoo:** I never said that, Mr Deputy Speaker, Sir.

#### MISSIONS OVERSEAS - HONORARY CONSULS

**(No. B/723) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the honorary consuls representing Mauritius abroad, he will give a list thereof, indicating -

- (a) the criteria used for the selection thereof;
- (b) if any training is provided to them for the discharge of their duties, and
- (c) the advantages and facilities conferred on them by way of their status.

**Dr. A. Boolell:** Mr Deputy Speaker, Sir, I will circulate the reply.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Dr. S. Boolell:** Pending circulation, may I ask the hon. Minister for the length of tenure of office of any one consul?

*(Interruptions)*

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

**Dr. A. Boolell:** If I do read, the hon. Member may stay here till tomorrow morning.

*(Interruptions)*

**Dr. S. Boolell:** Mr Deputy Speaker, Sir, may I know from the hon. Minister who is the longest serving consul and how long has he been there?

**Dr. A. Boolell:** It is Mr Catalfamo who has been our consul in Milan and he has been there, I think, since 1985, if I am not mistaken.

**Dr. S. Boolell:** I have a final question. May I ask the hon. Minister whether there are any complaints of an abuse of their privileges on the part of the consuls when they visit Mauritius or send somebody here? And I am willing to accept the circulated answer.

**Dr. A. Boolell:** I have never heard any unwarranted comment or remark from any of the consul. In fact, they are treated with the dignity they deserve and they are very happy whenever they visit the country which has appointed them as consul.

### **CASINO COMPANIES - FOREIGN INTERESTS**

**(No. B/724) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the casino companies, he will, for the benefit of the House, obtain from the State Investment Corporation, information as to if it is considering the disposal or otherwise thereof to foreign interests and if so, indicate the reasons therefor and will he state the measures Government proposes to take, if any, to save the jobs of the existing staff thereof.

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** Mr Deputy Speaker, Sir, Government has taken the decision for SIC to launch a Request for Proposal for a strategic partnership with the casino companies. The decision is motivated by -

1. in view of the global forces and other circumstances that are resulting in unsustainable losses by the Casinos and a desire to save jobs in that sector;
2. the importance of diversifying our tourism to encompass the entertainment and leisure sector as has been successfully done in other countries like Singapore, for example, in Sentosa, Malaysia in Genting and South Africa in Sun City;
3. improve management through introduction of new methods and business practices particularly to link casinos to entertainment, and
4. an integration of gaming with family oriented activities to limit the downside of gambling.

An established Strategic Partner is expected to raise the operational standards of the casinos so as to be differentiated from other existing gaming houses whilst emphasising family oriented entertainment. It will also bring a significant inflow of FDI and capital investment

which will not only save the jobs currently at risk, but, also, over time, generate additional employment.

Further, it is expected that the Strategic Partner will undertake a comprehensive staff training and management development programme which will benefit employees and enable transfer of knowledge. Regarding safeguarding of employment, Government will discuss and seek agreement of the Strategic Partner on an appropriate programme. This will be an essential condition to be fulfilled before acceptance of any offer from interested parties.

**Mr Bhagwan:** Mr Deputy Speaker, Sir, can we know from the hon. Minister whether this study has been launched recently? I have been putting questions for the past three years. There have been so many studies about Government going towards a strategic partner. Can we know when the last study has been commissioned?

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, Government has taken the decision about a few weeks ago. I believe they have enrolled the services of KPMG to look into it. Once this is ready, we will be able to go ahead with the request for proposal.

**Mr Bhagwan:** Mr Deputy Speaker, Sir, this is not the first time that Government is going for a study to have a strategic partner. Since 2007, there have been many studies. In the same line - from replies to PQs, I won't go into all the replies – can the hon. Minister, at least, inform the House how much SIC, which is supervising all these casinos, has spent already on studies? Can he, later on, undertake to circulate how much has been spent on previous studies and how much that would cost? Now that the decision has been taken for a new study, I would like to know whether the information could be circulated to the trade unions *pour rassurer les travailleurs*?

**Dr. Bunwaree:** I am not talking of a new study. The studies that have been done are there. I will look into the matter according to the information that is being sought, but I said that the decision is to launch a request for proposal.

**Mr Bérenger:** The hon. Minister seems not to be aware that several years back not only a request for proposals was issued, but a South African firm identified, they came here, the then Minister of Finance travelled there, met them in South Africa. So, can I put the same question?

How much has been spent by SIC on studies, on trips overseas, on this whole issue of finding a strategic partner, how much has been spent today?

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, I need notice of this question to give the exact figures. But I can say that now we have gone in the direction that I have mentioned, that is, launching the request for proposal.

**The Deputy Speaker:** Last question!

**Mr Bhagwan:** Mr Deputy Speaker, Sir, I have gone through certain parliamentary questions. SIC had given its...

*(Interruptions)*

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

*(Interruptions)*

**Mr Bhagwan:** I am quoting from the reply to PQ No. 1B/666 of 23 November 2010. The hon. Minister said -

“SIC had given its in-principle acceptance to the offer submitted by Peermont Group of South Africa. This was however subject to further discussions and negotiations.”

Can the House be made aware how much has been spent, at least, with these Peermont and so on, in discussions with Peermont going there and coming to Mauritius, and how far the SIC has engaged itself with Peermont?

**Dr. Bunwaree:** The hon. Member is putting questions piecemeal. I have registered the questions today; we will look into the matter and then give the reply accordingly. If the hon. Member wants to put a proper question, he will get the answer.

*(Interruptions)*

**The Deputy Speaker:** The hon. Minister does not have the answer. The hon. Member can come with a specific question. Next question, hon. Uteem!

## SUGAR - IMPORTS & EXPORTS

**(No. B/725) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Business, Enterprise, Commerce and Consumer Protection

whether, in regard to sugar, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the amount thereof, since 2005 to date -

- (a) imported by the Corporation and by the subsidiaries thereof, indicating the amount of profit realised or loss incurred in each case, as the case may be, and
- (b) exported by the Corporation and by the subsidiaries thereof, indicating the amount of profit realised or loss incurred in each case, as the case may be.

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, I am informed that neither the State Trading Corporation nor its subsidiaries have imported or exported sugar *per se*. However, in December 2009 STCM Ltd. was involved in a trading transaction as an intermediary between a buyer in India and a mandate based in Switzerland who represented the interests of a Brazilian refinery.

The amount of sugar involved was 25,000 metric tonnes. Due to the fact that the mandate had defaulted, the sugar was not delivered and STCM Ltd forfeited an amount of around Rs10.1 m.

STC has taken all necessary legal steps through its legal adviser in Mauritius and its counterparts in London to recover all expenses incurred.

The agreement, in fact, provides for arbitration clauses and it stipulates that all disputes shall be submitted and settled by arbitration in London at the International Chamber of Commerce United Kingdom.

**Mr Uteem:** Mr Deputy Speaker, Sir, is the hon. Minister saying that there is actually an arbitration going on or has the decision been taken to bring this before the arbitration? If there is already arbitration, when will be the sitting?

**Mr Yeung Sik Yuen:** I am informed that there is an arbitration going on.

**Mr Bérenger:** Mr Deputy Speaker, from what I understand, the STC is trying supposedly to recoup some Rs10 m. Is it not a fact that this Indian company for its part is claiming more than Rs100 m. from the STC?

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, the hon. Leader of the Opposition's information is right.

**Mr Uteem:** May I ask the hon. Minister whether it is correct that after this Brazilian company had failed to supply the first consignment of sugar, there has been a second transaction where STCM has undertaken to supply this sugar to another Indian company?

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, I am informed that STCM did not buy two shipments. In fact, it was a high sea sale for the second one. When the one and only shipment got delayed, the first buyer backed out after having exercised the performance bond. A second buyer, namely, Haldiram Products Pvt. Ltd. showed immediate interest and opened its LC.

**Mr Uteem:** May I know from the hon. Minister whether this Haldiram Company is suing the Government, STCM, and, if so, for how much?

**Mr Yeung Sik Yuen:** About Rs125 m.

**Mr Uteem:** In these circumstances, would the hon. Minister agree with me that it is important that the STC takes sanctions against those who, at the level of the Board of Directors of the STCM, have made this country lose so much of money?

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, I am informed by the STC that they will envisage any avenue, if need be.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, the hon. Minister stated that legal advice is sought from the legal adviser of the STC. Can I ask the hon. Minister who is the legal adviser of STC? Is it an in-house legal adviser or outsource?

**Mr Yeung Sik Yuen:** It is an in-house legal adviser. It is Mr Siv Potayya.

**Mr Bhagwan:** Can the Minister inform the House whether in connection with that transaction, the Senior Adviser of the Ministry, who was a Board Member of that company, travelled overseas and had discussions in connection with that transaction of sugar imports?

**Mr Yeung Sik Yuen:** The answer is no.

**The Deputy Speaker:** Last question!

**Mr Uteem:** In respect to the claim by Haldiram, is this claim also before arbitration in England? What is the status of that claim?

**Mr Yeung Sik Yuen:** There is only one case, Mr Deputy Speaker, Sir.

## **RODRIGUES - PROGRAMME-BASED BUDGETING -IMPLEMENTATION**

**(No. B/726) Mr J. F. François(Third Member for Rodrigues)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to Rodrigues, he will state if Government proposes to bring amendments to the legislation in relation to the public finance, with a view to ensuring the smooth implementation of the Programme Based Budgeting.

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** Mr Deputy Speaker, Sir, legislation has already been enacted to include the implementation of Programme-Based Budgeting in Rodrigues. The Rodrigues Regional Assembly Act 2001 was amended in 2009 through the Additional Stimulus Package (Miscellaneous Provisions) Act 2009, to extend Programme Based Budgeting (PBB) to Rodrigues and the introduction of calendar year budgeting. The amended Rodrigues Regional Assembly (RRA) Act 2001 includes definitions of expenditure estimates based on programmes and sub-programmes, prepared on a 3 year rolling basis, specifying the resources to be allocated and the outcomes to be achieved and outputs to be delivered.

In September 2009, the RRA presented its first PBB estimates 2010 and Indicative Estimates 2011 and 2012. With PBB, budget allocation is based on programmes and sub-programmes with predefined outcomes, priority objectives, outputs and performance indicators. This is meant to improve fiscal discipline and allocative effectiveness based on priorities and operational efficiency with a view to obtaining value for money.

The House may further wish to note that the Ministry of Finance and Economic Development is in the process of strengthening PBB implementation by developing a comprehensive “Public Financial Management Legislation” and re-engineering the “Financial Management Manual”. We are working on a legal framework for public financial management that is comprehensive, rigorous and reinforces transparency and accountability; this framework will also apply to Rodrigues and be developed in consultation with the appropriate stakeholders.

**Mr François:** May I know when this framework will be ready?

**Dr. Bunwaree:** I can't answer, but I know that my colleague, the substantive Minister, is working very actively on that. It will not take too much time.

**(No. B/727) Mr J. F. François (Third Member for Rodrigues)** asked the Minister of Education and Human Resources whether, in regard to the Mauritius Institute of Technical Development of Le Chou, Rodrigues, he will, for the benefit of the House, obtain therefrom, information as to the human resources and training programmes available thereat indicating if -

- (a) any assessment need thereof has been carried out over the past five years, and if not, why not, and
- (b) consideration is being given for any improvement thereof.

**Dr. Bunwaree:** Mr Speaker, Sir, I would like to inform the House that in terms of human resource the Le Chou Multi Purpose Training Centre of the Mauritius Institute of Training and Development (MITD) consists of the following -

1 Officer in charge

4 Training Officers

17 Instructors

5 Administrative Staff

14 Supporting Staff

It currently offers the following training programmes -

- (i) on a full-time basis a range of training in the fields of Welding and Metal Fabrication, Automotive Mechanics, Plumbing & Pipe Fitting, Wood treads, Electrical Installation Works, Building Maintenance and Agriculture;
- (ii) training under the Apprenticeship mode in respect of Pastry and Basic Housekeeping;
- (iii) NTC Foundation Course, and
- (iv) part-time courses in relation to E-Marketing, Basic Book Keeping, Basic Life Skills Management and courses adapted to the needs of Rodrigues in relation to Pig Rearing, Sheep and Goat Rearing.

With regards to parts (a) and (b) of the question, it is necessary to point out that the different training courses run by the Le Chou Multi Purpose Training Centre have been

developed after prior consultation with stakeholders in Rodrigues and are demand driven. Taking into consideration developments in the Hospitality and Tourism Sectors, courses in Pastry, basic House Keeping, Restaurant and Bar Service and Front Service have been accordingly mounted through Apprenticeship mode in collaboration with Restaurants and Hotels in Rodrigues. Being given that honey production is a major source of livelihood for inhabitants of Rodrigues, a course on bee-keeping has also been mounted.

In April 2011, an official mission was carried out by the MITD to make an assessment of new training requirements in view of considerable developments witnessed by Rodrigues in recent years. Consultations were held with the following -

- (i) the Commission of Rodrigues Regional Assembly responsible for Tourism, Employment, Education and Training;
- (ii) the SMEDA;
- (iii) the Water Company;
- (iv) the Central Electricity Board (CEB), and
- (v) private bodies operating in the tourism and the construction sectors.

On the basis of feedback received it is envisaged to bring improvements to the overall training packages and MITD has elaborated a comprehensive Training Project to extend training in the following areas in Rodrigues -

- Hospitality and Tourism;
- Automotive Electricity and Electronics;
- Carpentry and Joinery Works;
- Refrigeration and Air Conditioning;
- Fabrication and Installation of Aluminium and UPVC Openings;
- Machine Maintenance;
- Information Technology;
- Communication and Consumer Electornics, and

- Hairdressing and Beauty Care

It is contemplated to convert the Le Chou Training Centre into a Training Centre of Excellence for Rodriguans offering quality training to enhance skills and competencies for the growth and development of Rodrigues.

**Mr François:** Thank you, Mr Deputy Speaker, Sir. May I ask the hon. Minister whether he is considering of upgrading the National Certificate Level III to Level IV or V, and why not upgrading up to *Brevet de Technicien, Diplôme National in priority programmes* such as Mechanics, Electrical and *Hôtellerie* to sustain future demands in Rodrigues?

**Dr. Bunwaree:** As I have mentioned, this is being looked into. I fully agree with what the hon. Member is saying and we are, in fact, going in that direction.

**Mr François:** With regard to Human Resources, is the hon. Minister aware that for the last three to four years no promotion exercises have been carried out at MITD Le Chou? There is no coordinator as per *le plan de gestion de MITD* at Le Chou. No Assistant Manager has been proposed despite the advertisement and the seven technical fields. Will the hon. Minister inform the House whether this situation will be looked into and remedied shortly?

**Dr. Bunwaree:** I have already replied to a similar type of question for MITD here in Mauritius and, in fact, it is the same problem. MITD is in a transitional phase and discussions are on-going with the Unions. We have reached the final stage, I must say, to give satisfaction to what the hon. Member is saying.

**Mr François:** Will the hon. Minister inform us whether the Government and MITD are looking into the possibility of awarding technical scholarship for successful Rodriguan students as an encouragement and better promotion of technical studies for Rodrigues future development requirements?

**Dr. Bunwaree:** Yes, Mr Deputy Speaker, Sir, we are considering what the hon. Member is saying. But, in addition, I can say that facilities are extended to Rodrigues Students to take advantage of training at MITD Training Centres in Mauritius, for instance, *École Hôtelière Sir Gaëtan Duval*.

Following discussions with the State Bank of Mauritius, I am pleased to announce and inform the hon. Member that the SBM is agreeable to offer bursaries to needy students of

Rodrigues, to enable them to follow the NC3, NC4 and NC5 courses in Mauritius. Provision is being made for one scholarship for each of the seven courses. Under the scheme, payment of air fares of Rodriguan students will be met by SBM Ltd.

**Mr François:** Thank you, Mr Deputy Speaker, Sir. Just a last question, there was a proposal for a hotel application project for practical purposes and a showroom as an *encouragement* for technical studies. Are these still in the pipelines or under consideration?

**Dr. Bunwaree:** Yes, it is still in the pipeline.

### **TRÈFLES YOUTH CENTRE - OPENING HOURS**

**(No. B/728) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Youth and Sports whether, in regard to the Trèfles Youth Centre, he will state the opening hours thereof, indicating if same has recently been changed, and if so, indicate -

- (a) when, and
- (b) the reasons therefor.

**Mr Ritoo:** Mr Deputy Speaker, Sir, the opening hours of Trèfles Youth Centre are from 0900 hrs to 2000 hrs on weekdays, 0900 hrs to 1600 hrs on Saturdays and 0900 hrs to 1300 hrs on Sundays.

Therefore, as at date, there has been no change in the opening hours. However, in light of the repetitive severe remarks made by the Director of Audit on the excessive payment of overtime by my Ministry, we are envisaging some drastic measures to reduce overtime. Among others it is proposed to reduce the opening hours of some youth centres which open excessively till very late.

### **INDIA - NATIONAL MEN VOLLEYBALLTEAM - TRAINING CAMP**

**(No. B/729) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the National Men Volleyball team, he will give the list of the players thereof and of the officials

who participated in the recent training camp held in India, indicating -

- (a) the sum allocated by his Ministry therefor;

- (b) details of the programme followed, and
- (c) if an invitation was issued by the Indian Volleyball Federation to the Mauritius Volleyball Federation in relation thereto, prior to the holding thereof.

**Mr Ritoo:** Mr Deputy Speaker, Sir, the list of players of the National Men's Volleyball Team who participated in the recent Training Camp held in India is being tabled.

With regard to part (a) an amount of Rs1.2 m. was allocated in my Ministry's budget for the Training Camp.

With regard to part (b), I have been informed by the Federation that the Mauritian selection played several matches with the Karnataka State Police, which was the former League Champion of Bangalore. The team also played outdoor matches with the leading local teams in Bangalore on 30 June 2011 as well as -

- (i) matches against the Karnataka State Team on 02 July 2011, and
- (ii) four indoor matches with the Junior Indian National Team of the Sport Authority of India.

With regard to part (c), a correspondence dated 31 May 2011 was indeed received from the Volleyball Federation of India inviting the Mauritius Amateur Volleyball Association to play matches against the Indian Teams.

**Mr Quirin:** M. le président, le ministre peut-il nous dire qui a agi comme chef de délégation lors de ce stage, et si ce dernier lui a remis un rapport concernant ce même stage à son retour au pays ?

**Mr Ritoo:** Mr Deputy Speaker, Sir, the head of the delegation was Mr Govindasamy Tiroovengadum and he has submitted a report of his training camp.

**Mr Quirin:** M. le président, est-ce que le ministre peut nous préciser la date que le chef de la délégation a quitté l'équipe en Inde et de bien vouloir nous donner les raisons ?

**Mr Ritoo:** Mr Deputy Speaker, Sir, as per the report of 06 July 2011, the Head of the Delegation, that is, Mr Tiroovengadum, left the Volley ball delegation for Cairo in Egypt to attend a very specialised course on data volleyball together with the head of delegation of the

women's team from Algeria, Mr Jean Michel Dedans, who had to leave his delegation as well one day earlier.

**Mr Quirin:** M. le président, est-ce que le ministre peut nous préciser si M. Tiroovengadum est membre de la fédération mauricienne de volleyball?

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Ritoo:** Mr Deputy Speaker, Sir, Mr Govindasamy Tiroovengadum is a co-opted member of the Mauritius Volleyball Association. He is responsible for the National Competitions and all the IT matters related to the Mauritius Volleyball Association. He is the President of the *Association Sportive de Belle Etoile* and he is also the Secretary of Beau Bassin/Rose Hill Volleyball Regional Committee. He has been acting Head of Delegation for the Volleyball Federation in Mozambique, Cameron and Algeria in the past.

**Mr Quirin:** M. le président, une dernière question. Le ministre peut-il nous préciser combien des membres de la famille de M. Tiroovengadum font partie du comité directeur de la MBB?

**Mr Ritoo:** The President is Mr Tiroovengadum, and I understand he is a committed member and the rest I do not know.

#### MAURITIUS SPORTS COUNCIL - CHAIRPERSON

**(No. B/730) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Chairperson of the Mauritius Sports Council, he will, for the benefit of the House, obtain from the Council, information as to -

- (a) his duties and responsibilities;
- (b) the monthly allocation and other benefits drawn, and
- (c) if he has recently been involved in an incident with an employee of the Council and, if so, give details thereof.

**Mr Ritoo:** Mr Deputy Speaker, Sir, the duties and responsibilities of the Chairman and members of the Mauritius Sports Council as spelt out in the Sports Act 2001 are as follows -

- (i) to develop and improve among the public at large the practice of sport in conjunction with the other bodies dealing with sports in Mauritius;
- (ii) to foster and support the provision of facilities for sports;
- (iii) to encourage and support other persons or bodies in carrying out research and studies into matters concerning sports and physical activities and dissemination of knowledge and advice on these matters;
- (iv) to advise and co-operate with the Minister and other bodies dealing with sports and physical activities in Mauritius, and
- (v) to allocate grants to any other body dealing with sports which complies with the Act.

The Chairman is also required to implement Government policies as per directions given to him by the Minister.

With regard to part (a) the Chairman draws a monthly allowance of Rs25, 000, a telephone allowance of Rs3,000, reimbursement in respect of newspapers purchased and transport facilities to attend council matters.

As regard part (c) of the question, I am informed that following complaints received at the Mauritius Sports Council, the Managing Secretary of the Mauritius Sports Council called a Table-Tennis Coach employed by the Council, to inquire about his non-submission of plan of work and his mileage claim.

The meeting was held in the presence of the Chairman, the Managing Secretary and a lady Officer. I understand that during the meeting the Coach did not appreciate the queries put to him and left the Office slamming the door.

**Mr Quirin:** M. le président, est-ce que le ministre peut nous confirmer si certaines allocations du *chairman* du MSC ont été revues à la hausse récemment et, si oui, de bien vouloir préciser lesquelles?

**Mr Ritoo:** Mr Deputy Speaker, Sir, the allowance that the Chairman is actually having is an administrative issue and I am informed that he is drawing the same allowance as the previous Chairman.

(*Interruptions*)

**Mr Quirin:** M. le président,...

(*Interruptions*)

**The Deputy Speaker:** Order!

(*Interruptions*)

**The Deputy Speaker:** Next !

**Mr Quirin:** M. le président à part M. Descann, est-ce qu'il y a eu...

(*Interruptions*)

**The Deputy Speaker:** Hon. Bhagwan please!

**Mr Quirin:** Est-ce qu'il y a eu d'autres employés du MSC qui ont été convoqués par le *Chairman* et son secrétaire concernant justement le problème de '*mileage allowance*'?

**Mr Ritoo:** Well, I have requested the Mauritius Sports Council to see in which way we can reduce overtime and that is why they are actually carrying out some work at the level of the Ministry to see how to reduce overtime and how to verify all the mileage claimed by the coaches.

**Mr Khamajeet:** Can I ask the hon. Minister whether there was any mismatch found in the mileage of the said tennis coach?

**Mr Ritoo:** Well, there is an inquiry being carried out and we have found that there is some unjustified mileage claim.

**Mr Bhagwan:** Can the hon. Minister, at least, agree with me that with time the Sports Council *est complètement dépassé*? And in the light of the coming of a new Sports Bill, is he contemplating to review this institution which is outdated completely?

**Mr Ritoo:** Mr Deputy Speaker, Sir, with the coming of the new Sports Act we will see because the Sport Council has some work to do regarding the maintenance of all our sports infrastructure.

**The Deputy Speaker:** Last question!

**Mr Quirin:** Est-ce que le ministre est au courant qu'il y a des abus à tous les niveaux concernant le '*mileage allowance*' au MSC ?

**Mr Ritoo:** Mr Deputy Speaker, Sir, hon. Member was a member of the Mauritius Sports Council and knows quite well ...

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Ritoo:** ... and he knows quite well that the practice is that the coach is supposed to submit a plan of work and in line with the realisation of the plan, mileage claim is paid accordingly. Very often officers are taken up with important organisations and do not submit plan or submit it afterwards and these claims are being approved in good faith by responsible officers. However, that does not mean that these claims cannot be counterchecked afterwards, in particular, when found unjustified.

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

### **TOURISM SECTOR - STRATEGIC PLAN 2009-2015**

**(No. B/731) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Tourism and Leisure whether, in regard to the Strategic Plan 2009-2015 for the tourism sector commissioned by his Ministry, in collaboration with the European Union, he will state -

- (a) the cost thereof, and
- (b) if an implementation committee has been set up at the level of his Ministry to look into the recommendations thereof and, if so, indicate the outcome thereof.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Bodha:** Mr Deputy Speaker, Sir, with your permission, I will answer this question. With regard to part (a) of the question ...

**The Deputy Speaker:** Order please! No cross talking!

**Mr Bodha:** With regard to part (a) of the question, I am informed that a total amount ...

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

**Mr Bodha:** Mr Deputy Speaker Sir, with regard to part (a) of the question, I am informed that a total amount of Euros 34,520 has been disbursed in relation to the preparation of the 'Mauritius Sector Strategy Plan on Tourism 2009-2015'.

As regards part (b) of the question, Mr Deputy Speaker Sir, I am advised that the recommendations of the Consultant focused essentially on strategies aimed at maintaining and consolidating the image of the Mauritian destination and promoting it as an up-market tourism destination.

The Consultant has accordingly prepared an Action Plan detailing measures to ensure the sustainable development of the industry.

These measures are wide-ranging and relate to marketing and promotion, product development, tourism framework, environment, infrastructure and training.

Mr Deputy Speaker, Sir, as indicated in the reply to PQ B/1214 by my predecessor, the vice-Prime Minister, at the sitting of 24 November 2009, the Ministry was already pursuing practically the same tourism development strategies as subsequently recommended in the Strategic Plan.

However, Mr Deputy Speaker, Sir, the House will agree with me that a Strategic Plan is a roadmap which might have to be adjusted in view of the fact that market conditions and exigencies evolve in response to new trends and challenges worldwide. We need a flexible approach to adapt to new situations- the financial crisis, the Euro crisis, the potential of the new markets.

In this respect, our promotional policies have been slightly refocused, since last year, towards tapping non-euro based new emerging markets such as India and China, to seize new opportunities whilst consolidating our market share on the traditional markets.

Furthermore, Mr Deputy Speaker, Sir, since the Plan recommends the measures to be implemented over a span of five years, we have adopted a phased approach and on a priority basis depending on availability of funds. The projects are considered during pre-budgetary consultations between my Ministry and different stakeholders.

With your permission, Mr Deputy Speaker, Sir, may I highlight a few of the measures which are being considered -

- Development and Communication of the Mauritian Tourism Plan
- Identification of Niche sectors
- Product Diversification
- Product Offering
- Environmental conservation

Mr Deputy Speaker, Sir, I am advised that there are other measures which have been recommended and which fall under the responsibility of other Ministries and organisations. These are also being implemented and include, for instance, efforts to address beach erosion, implementation of the tourism satellite account, water conservation, airport development and so on.

Mr Deputy Speaker, Sir, the implementation of the Strategic Plan is on track. The projects which are already on-going will be closely monitored and my Ministry will follow-up with the stakeholders concerned for the implementation of other projects which would be flagged as priority to ensure the sustainable growth of the industry.

#### **SAHARAWI ARAB DEMOCRATIC REPUBLIC - DIPLOMATIC INITIATIVES**

**(No. B/732) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the struggle of the POLISARIO for the establishment of a free and independent Sahrawi Arab Democratic Republic (SADR) in that part of Western Sahara presently controlled by Morocco, he will state if Mauritius supports same and, if so, indicate -

- (a) the diplomatic initiatives that have been taken or supported by Mauritius in the recent past, and
- (b) if the SADR has recently requested accreditation for a new ambassador to Mauritius.

**Dr. A. Boolell:** Mr Deputy Speaker, Sir, as the House is aware, Mauritius has consistently supported the right to self-determination and independence of the people of Western Sahara and entertains diplomatic relations with the Saharawi Arab Democratic Republic SADR since 1983.

As regards part (a), in view of the fact that the issue of Western Sahara is addressed at the level of the United Nations (UN), there is no need for individual member states, including Mauritius, to undertake separate diplomatic initiatives.

However, as a member of the UN, Mauritius supports all the efforts of the UN towards achieving a mutually acceptable political solution to the dispute and, more particularly, the process of negotiations initiated by the UN Security Council since 2007 and the rounds of talks between the parties held under the auspices of the UN Secretary-General and his Personal Envoy for Western Sahara.

Mauritius has always voted in favour of the resolutions that are recommended to the UN General Assembly and the latest resolution was adopted during the UN General Assembly in December 2010.

It is to be noted that Morocco has presented a plan for autonomy while the Polisario maintains that the territory's final status should be decided in a referendum on self-determination that includes independence as an option.

We also support through regular financial contributions, the United Nations Mission for the Referendum in Western Sahara (MINURSO) whose mandate is *inter alia* to monitor the ceasefire, verify the reduction of Moroccan troops, and organise a free and fair referendum. This mandate is subject to periodic renewal and it has been renewed by the UN Security Council until 30 April 2012.

With regard to part (b) of this Parliamentary Question, there has been no recent request for the accreditation of a new Ambassador of the SADR to Mauritius. The current Ambassador, H.E. Mr Brahim Salem El Mami Buseif, remains accredited to Mauritius, with residence in Dar es Salaam since 21 January 2009.

**Mr Bérenger:** Mr Deputy Speaker, Sir, can I put three questions with your permission? The first one: Morocco carried out a Constitutional Referendum only a few days ago, I tried to find out what happened in Western Sahara, can I ask the hon. Minister whether he has information, what happened, did Western Sahara take part, what participation rate was there and were arrests made?

**Dr. A. Boolell:** In fact, there was an article, which appeared in 'Le Monde', and it was the hon. Leader of the Opposition who drew our attention to this article - '*Les Sahraouis, grands absents du référendum sur la révision de la Constitution marocaine*'. It stands to reason that no Saharawi would have voted for this referendum, because what this referendum entails means autonomy under the jurisdiction of Morocco. In fact, if we go through some of the provisions of this Constitution, it means extension of the territory; to lay claim upon what they have constantly highlighted, namely that Western Sahara belongs to Morocco. So, the revision of the Constitution makes no provision for the rights of Saharawi people, as expected.

**Mr Bérenger:** It seems that the hon. Minister is in presence of an article which I suggested to him. Can we have a copy laid? My second question...

(*Interruptions*)

**The Deputy Speaker:** Address the Chair!

(*Interruptions*)

**Mr Bérenger:** Mr Deputy Speaker, Sir, recently there have been attempts at the UN Security Council to enlarge the terms of reference of the UN Mission in Western Sahara, to include supervision and protection of human rights. Is the hon. Minister in a position to tell us which countries objected to that?

**Dr. A. Boolell:** I don't have the terms of reference, but it stands to reason that they wanted to take on board human rights issues, as a result of the atrocities committed by Morocco, especially near Al Ayun. There has been forceful condemnation of the violation of human rights. Having said so, it stands to reason which country in the UN Security Council would have vetoed that decision. I don't have to mention it.

As far as to the question pertaining to countries that are not permanent members of the UN Security Council or non-members of the UN Security Council, I don't have the fact, but as soon as I do, I will circulate it.

**Mr Bérenger:** As far as the forces preventing progress from this Western Sahara dossier, will the hon. Minister agree with me that the two main allies of Morocco that are preventing progress are France and the United States? Has little Mauritius - we are not a super power - put across our feelings on that matter?

**Dr. A. Boolell:** Although it is not our policy, Mr Deputy Speaker, Sir, to punch above our weight, we have certainly done it through the AU and the UN itself whenever we have addressed the UN General Assembly, and at the Non-Aligned Movement. Our stand is that we fully support those who are fighting for independence and self-determination, and we know the reason as to why there has been no way forward. It's simply because they have not agreed on the electoral list. But, having said so, Saharawi has the support of countries like Mauritius and many other countries members of the AU, and of the Non-Aligned Movement.

**Mr Obeegadoo:** With regard to part (b) of the question, the hon. Minister answered in the negative. Will he indicate whether there has been any correspondence forthcoming from the Saharawi authorities, having regard to the establishment of some diplomatic representation on Mauritian soil?

**Dr. A. Boolell:** They have pressed us to explore the possibility of opening a permanent mission in Mauritius, but we have told them that we better address the issue in respect of substance than in form because, on the other hand, we have to make sure that we don't slight our relations with other countries also. At the end of the day, we need as many friends as possible.

**Mr Obeegadoo:** May I know when this communication was received by government?

**Dr. A. Boolell:** There was a request made in March 2010.

**Mr Obeegadoo:** Since the hon. Minister stated that Mauritius has always, since 1983, resolutely supported the Saharawi cause, what could be the rationale for not responding positively to such a request?

**Dr. A. Boolell:** As I have stated, our objective is to ensure that we have as many friends as possible notwithstanding our commitment stand by those who are fighting for their rights and self-determination. At the same time, we will need as many friends as possible whenever issue of sensitive nature arises, and we have to look at our concern also.

*(PQ No. B/733 – See Written Answers to Questions)*

#### **BAIE DU TOMBEAU SEWERAGE PROJECT - FACT FINDING COMMITTEE**

**(No. B/734) 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 Fact Finding Committee set up to look into the payments effected in connection with the Baie du Tombeau Sewerage Project, he will state where matters stand.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, with your permission, I am replying to this question.

I am informed by the Wastewater Management Authority that, on 12 July 2011, the Fact Finding Committee submitted its report, which is being examined by the Wastewater Management Authority Board.

**Mr Lesjongard:** May I ask the hon. Minister who were the members of that Fact Finding Committee, and the terms of reference of that Committee?

**Mr Bachoo:** The Chairman is Dr. M. E. Allybocus; the assessors are Mr S. Nemchand, Mrs P. Rojoa, and Secretary is N. Jowaheer. As far as the terms of reference are concerned -

- (a) justification for additional works over and above the contract approved value;
- (b) procedures followed and approval obtained for additional works;
- (c) reasonableness of rates other than those provided for in the bill of quantities for the implementation of additional works, and
- (d) evidence of the services sub-contracted under the additional works.

**Mr Lesjongard:** Can I then ask the hon. Minister whether he would confirm that variation works worth Rs285.8 m. have been paid in total breach of the provision of the Public Procurement Act, and whether the report of that Committee will be made public?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am not in possession of a copy of the report. I would humbly request the hon. Member to await the return of the substantive Minister, and a question can be addressed to him in that regard.

#### **RICHE TERRE - JIN FEI PROJECT - SEWERAGE WORKS**

**(No. B/735) 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 offsite sewerage works for the Jin Fei project, at Riche Terre, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to the -

- (a) value of the contract;

- (b) additional payments effected in connection therewith, indicating the reasons therefor, and
- (c) initial date of commissioning thereof.

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

I am informed by the Wastewater Management Authority that -

- (i) the value of the contract for the construction of Jin Fei offsite sewerage works in Riche Terre was Rs97,207,035.55, inclusive of VAT;
- (ii) additional costs to the tune of Rs14,129,167, inclusive of VAT, has been incurred for the replacement and relocation of 70 metres of old CWA pipes along the coastal road of Baie du Tombeau, extension of time with cost and transport of equipment at the Montagne Jacquot sewerage treatment plant for storage.

The initial commissioning date of the sewerage infrastructure was 19 October 2010.

**Mr Lesjongard:** Can I ask the hon. Minister whether the equipment or the installation has been commissioned until now?

**Mr Bachoo:** Mr Deputy Speaker, Sir, the information that I have is that it has not yet been commissioned, because Jin Fei has not even started its construction works. We are informed that the promoter is going to start the construction of a warehouse of 6,000 square metres soon.

**Mr Lesjongard:** Can the hon. Minister confirm that, at the time the plant will be commissioned, the project will have to be reimplemented again, that is, going through the whole procedure, namely invitation of bids, evaluation of tender and installation of the same equipment again?

**Mr Bachoo:** Mr Deputy Speaker, Sir, the information that I have is that the contract provided for the taking over of the Pumping Station by the WMA after the pumps in the return control and protection system are tested under full operating conditions. In the absence of flow, the testing cannot be done. Therefore, the WMA had taken over the equipment. The warranty period is expected to lapse in 12 months for the standby generator and 14 months for the dry well

submersible pumps. By the time that there are flows and the equipment will be tested, the warranty period will have expired. Then, it will be up to the Ministry to decide what course of action has to be taken.

#### **MAURITIUS SOCIETY OF AUTHORS - STAFF**

**(No. B/736) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Arts and Culture whether, in regard to the Mauritius Society of Authors, he will, for the benefit of the House, obtain from the Board thereof, information as to the number of staff members employed thereat, indicating their respective –

- (a) grade, and
- (b) monthly salary drawn.

*(Withdrawn)*

#### **MAURITIUS SOCIETY OF AUTHORS - BOARD**

**(No. B/737) Mr J. C. Barbier (Second Member for GRNW and Port Louis West)** asked the Minister of Arts and Culture whether, in regard to the Mauritius Society of Authors, he will, for the benefit of the House, obtain from the Board thereof, information as to if consideration will be given for the organisation of a by-election of the Board, following the recent resignation of five of the members thereof.

*(Withdrawn)*

#### **CAMP DE MASQUE CEMETERY - RENOVATION WORKS**

**(No. B/738) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Minister of Local Government and Outer Islands whether, in regard to the Camp de Masque cemetery, he will state if consideration will be given for the carrying out of renovation works of the premises thereof.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed by the Moka-Flacq District Council that the Camp de Masque Cemetery situated in the locality of Unité is actually on private owned land by the FUEL Sugar Estate. As such major renovation works cannot be carried out at the cemetery. However, regular cleaning works are being undertaken thereat by the Council.

I am informed that an alternative site of two *arpents* has been identified by the Council in the vicinity of the existing cemetery for the setting up of a new cemetery and a request has been

made in October 2009 to the Ministry of Housing and Lands for the acquisition of the land from FUEL Sugar Estate.

**Mr Seetaram:** Mr Deputy Speaker, Sir, would the hon. Minister please indicate to the House whether he has a time frame as to when the new area that would be allocated for the new cemetery would be acquired?

**Mr Aimée:** Me Deputy Speaker, Sir, I have mentioned already that the Council has already contacted the Ministry of Housing and Lands for the acquisition of two arpents nearby the cemetery.

#### **METHADONE DISTRIBUTION - DISPENSING OFFICERS - SECURITY**

**(No. B/739) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Health and Quality of Life whether, following the incident of 11 July last whereby a Dispensing Officer was injured whilst on duty, she will state the measures, if any, that will be taken to ensure the security of the Dispensing Officers, indicating if -

- (a) consideration will be given for a review of the present arrangements for distribution of methadone, and
- (b) the methadone-based strategy for the treatment of the drug users is being reviewed

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, at present the security of officers involved in the distribution of methadone at the different dispensing points as well as that of the clients who receive their daily doses of the methadone is provided by the Police as follows –

- (i) two Police officers are posted at each dispensing site to control the incoming and outgoing of each client;
- (ii) a team of officers of the Emergency Response Service (ERS) is on standby in the vicinity of each dispensing unit during the dispensing exercise, and
- (iii) regular patrols after the dispensing time are carried out by Police officers to prevent methadone clients to assemble or loiter in the vicinity of the dispensing units.

Following the incident at the Mahebourg Dispensing Point, my Ministry has, after consultations with the Police Department, officers of the Pharmacy Unit and representatives of

Trade Unions, taken the following additional measures to strengthen security at dispensing points –

- (i) Police officers will be present at each Dispensing Unit, at least 15 minutes prior to the start of the dispensing of methadone and 30 minutes after completion of the dispensing exercise daily, and
- (ii) regular meetings will be held both at central and regional levels between officers of my Ministry and those of the Police Department to identify gaps, if any, regarding security measures and to initiate immediate remedial actions.

Regarding part (a) of the Question, I had a meeting with representatives of NGOs to discuss about measures which can be initiated to improve the Methadone Substitution Therapy Programme, including the distribution of methadone. My Ministry is awaiting proposals from the NGOs following which an enlarged meeting will be held with all stakeholders concerned to finalise these measures.

Concerning part (b) of the question, I wish to inform the House that I have set up a Technical Committee at the level of my Ministry to consider alternatives to methadone as a substitution therapy. In addition, an evaluation of the Methadone Substitution Therapy Programme has been conducted by a foreign consultant and the final report thereof is being awaited. Based on the recommendations of the technical committee and the evaluation exercise, consideration will be given for the review of the methadone programme for the treatment of drug users.

**Mr Bérenger:** Can I ask the hon. Minister whether the Police have already agreed to the changes suggested?

**Mrs Hanoomanjee:** In fact, they have.

**Mr Obeegadoo:** Has the hon. Minister taken cognizance of the public statements of the Mauritius Nursing Association calling for more dispensary centres to be opened around the island, for the dispensing staff to be increased and also, for the hours during which methadone is dispensed to be extended?

**Mrs Hanoomanjee:** In fact, Mr Deputy Speaker, Sir, I have taken cognizance of this. I have had discussions with the Unions as well and I have asked them to come forward with

proposals which they have. Now, these proposals are being studied because we have to see to it that we have additional staff also and what are the other measures of security that we can afford if we are going to extend the hours at the Regional Hospitals as well.

**Mr Obeegadoo:** Can the hon. Minister give us some indications as to what the situation is regarding the 8 automatic dispenses purchased at a considerable price in October 2010?

**Mrs Hanoomajee:** I don't have this information with me. I can revert back to the hon. Member with this.

#### **MAURITIUS SOCIETY OF AUTHORS - ROYALTIES**

**(No. B/740) Mr J. C. Barbier (Second Member for GRNW and Port Louis West)** asked the Minister of Arts and Culture whether, in regard to the royalties, he will, for the benefit of the House, obtain from the Mauritius Society of Authors, information as to the total amount thereof, over the past five years –

- (a) remitted to foreign organisations, giving details thereof, and
- (b) received from foreign organisations, giving details thereof.

*(Withdrawn)*

#### **MOTORWAY M1 - ROAD WORKS**

**(No. B/741) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to current and projected road works, in relation to the M1 motorway, he will state-

- (i) the parts thereof which will be enlarged to three lanes;
- (ii) the bridges along same which will be enlarged;
- (iii) if the road intersections, including the roundabouts at St Jean and at the Phoenix/IVTB, are/will be re-designed, and
- (iv) if the crawler and the bus lanes will be done away or otherwise dealt with.

**Mr Bachoo:** Mr Deputy Speaker Sir, as part of the Road Decongestion Programme, motorway M1 will be widened to three lanes from Phoenix to Terre Rouge in both directions, except the southbound part between Pailles and Réduit where there is already a crawler lane and an emergency lane. The Road Development Authority will undertake the works in phases and it

is expected that the upgrading of the stretch between Phoenix and Port Louis will be completed by the end of 2012 and the project will be extended to Terre Rouge.

To enable continuity in the third lane, all the bridges located along the alignment should obviously be widened. In fact, works on the following bridges have already been undertaken -

- (i) Widening of St Louis No. 1;
- (ii) Widening of St Louis No. 2, and
- (iii) Construction of a pedestrian footbridge at Bell Village.

The main roundabouts, including the Caudan junction, will be converted into grade-separated junctions. Works on the Caudan junction are ongoing and will be completed in the months to come. The Phoenix, Pont Fer and Jumbo roundabouts and those between Quay D and Terre Rouge will be implemented under the PPP, that is, the Public Private Partnership Scheme.

The crawler lane will not be affected. There is no dedicated bus lane at this stage, but the possibility of introducing a bus lane may be considered once the infrastructure is fully in place.

**Mr Obeegadoo:** If we are to understand that the whole stretch from Port Louis to Phoenix will, eventually, be enlarged to three lanes, would the hon. Minister agree that the present practice of reserving one lane either as an emergency lane or as crawler lane has to be reconsidered, so that we have three lanes available for traffic at all times?

**Mr Bachoo:** I have already mentioned that we have got the crawler lane and that crawler lane will be kept and at that place we already have three existing lanes now; the crawler lane can, in a way or so, be considered to be a fourth lane. That crawler lane will be maintained, the third lane will continue. If the hon. Member has a look at it, he will see that the third lane will be there. There is no problem about it.

**Mr Obeegadoo:** As regards the road junctions, I do not think I heard the hon. Minister refer to St Jean which very much would need redesigning at this point in time. Is that under consideration and what does the hon. Minister have in mind?

**Mr Bachoo:** Mr Deputy Speaker, Sir, as far as St Jean is concerned, there we have the grade separated junctions. I have already enquired from the technicians of my Ministry. Some upgrading works need to be done and the third lane will pass through that. I was also a bit

disturbed at it because I thought we had to do some additional works, but I am told that some improvement works can be done and the third lane can easily pass through. We are very much concerned about St Jean. In fact, we are getting the support of a few technicians from abroad who are trying to support us. They are working actually in the country.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, I have one last question. The hon. Prime Minister, only a couple of weeks ago, confirmed that Government is going ahead with the Light Railway Transit System with the Curepipe-Port Louis part, if I may say so, as a first step before it is extended throughout the island. Now, my question for the hon. Minister is, in many places along the road M1 available land is being therefore used for a third lane, what about the passage way for the LRT?

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, the Singaporean Authority is actually working on the alignment. It will be premature, at this stage, for me to state categorically as to what extent of land that we are going to utilise and what is the track that we are going to use. So, I hope that within a few months or maybe within a month we will be in a position to say.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, may I ask the hon. Minister to confirm whether all the lanes along M1 are of the same width from start to end or there are different widths of the lanes?

**Mr Bachoo:** Even on this question we have inquired from the technicians, they are of the same width. The impression one gets at times is that at some places the width may be narrow, but it is not the case. It is of the same width.

**Mr Bhagwan:** I will ask the hon. Minister a question of security. From St. Jean to Pont Fer, there are works going on. If I am not mistaken, the project is for street lighting. It is a place where there is a lot of danger being given that the motorway is now being enlarged. No provision has been made with regard to street lighting, work has not even started. So, I presume that there is no project for street lighting.

**Mr Bachoo:** The actual contract does not include street lighting. The actual contract of road enlargement and construction will be taken up at the second stage. In fact, we are concerned and we believe that very shortly we are going to issue tenders for that.

### **CEB - MR Y. B. - VALUATION EXERCISES**

**(No. B/742) Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the valuation exercises carried out for the Central Electricity Board, by Mr Y. B., since 2006 to date, he will, for the benefit of the House, obtain from the Central Electricity Board, information, on a yearly basis, as to the purpose therefor in each case, indicating the -

- (a) value of the property, giving details thereof, and
- (b) amount of fees paid.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, with your permission I would like to answer to this question. I am tabling the information that is asked for.

**Mr Guimbeau:** Mr Deputy Speaker, Sir, can we have an idea about how many valuation exercises were carried out during that period?

**Mr Bachoo:** I'll have to count. It is about fifteen probably.

**The Deputy Speaker:** Yes, hon. Ameer Meea!

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, can I ask the hon. Minister if these valuations were done in his capacity as Chief Government Valuer or as private practitioner?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I don't have the information with me. I would request the hon. Member if he can come with another question with the substantive Minister who will be in a position to answer.

**Mr Uteem:** Mr Deputy Speaker, Sir, I don't know whether the hon. Minister has the information, but from the file, can we know whether there is any indication as to whether for that period the Central Electricity Board has used any Valuer other than Mr Y. B.?

**Mr Bachoo:** I don't think so from the information that is available.

### **ROSE BELLE SUGAR ESTATE - MR Y. B. - VALUATION EXERCISES -**

**(No. B/743) Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Minister of Agro-Industry and Food Security whether, in regard to the valuation exercises carried

out for the Rose Belle Sugar Estate, by Mr Y. B., since 2006 to date, he will, for the benefit of the House, obtain from the Rose Belle Sugar Estate, information, on a yearly basis, as to the purpose therefor in each case, indicating the -

- (a) value of the property, giving details thereof, and
- (b) amount of fees paid.

**Mr Faugoo:** Mr Deputy Speaker, Sir, I am tabling the list of valuation exercises carried out by Mr Y. B. since 2006 to date.

*(Interruptions)*

44 of them.

*(Interruptions)*

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

**Mr Guimbeau:** Can the hon. Minister precisely say whether evaluation was made for agriculture, residential, commercial or hotel projects?

**Mr Faugoo:** It comprises of all sorts of properties for different purposes. There is agricultural land basically belonging to Rose Belle. They have been evaluated for projects which were proposed to Rose Belle Sugar Estate for different purposes.

**Mr Guimbeau:** Can the hon. Minister state whether any valuation exercise was carried out for the company Indian Consortium Ltd.

**Mr Faugoo:** It would appear to be so.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, we thank the hon. Minister; he said that there were 44 valuations that had been carried out. On the amount of fees, can we have an indication of the total figure?

**Mr Faugoo:** Rs1,030,799.

**Mr Bhagwan:** Can the hon. Minister check and let us know whether the perceived income was registered to the Mauritius Revenue Authority?

**Mr Faugoo:** Which companies?

*(Interruptions)*

I would not know; I don't have this information.

**The Deputy Speaker:** Next question! I call for the next question.

**Mr Guimbeau:** Mr Deputy Speaker, Sir, it would not be...

*(Interruptions)*

**The Deputy Speaker:** No, please! The hon. Member had the opportunity to ask questions.

*(Interruptions)*

### **STATE LAND DEVELOPMENT COMPANY – MR Y. B. - VALUATION EXERCISES**

**(No. B/744) Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Minister of Housing and Lands whether, in regard to the valuation exercises carried out for the State Land Development Company, by Mr Y. B., since 2006 to date, he will, for the benefit of the House, obtain from the State Land Development Company, information, on a yearly basis, as to the purpose therefor in each case, indicating the -

- (a) value of the property, giving details thereof, and
- (b) amount of fees paid.

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** With your permission, Mr Deputy Speaker, Sir, I wish to reply to this question to say that I am tabling the list of valuation assignments...

*(Interruptions)*

... carried out from year 2006 to date by Mr Y. B. for the State Land Development Company.

**Mr Guimbeau:** How many?

**Dr. Bunwaree:** About 20.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, as regards the total amount of fees that has been paid, can I ask the hon. Minister if these fees are inclusive or exclusive of VAT?

**Dr. Bunwaree:** I will have to check. I can't answer off hand, but the total is Rs738,500.

## STATE INVESTMENT CORPORATION - MR Y. B. - VALUATION EXERCISES

**(No. B/745) Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the valuation exercises carried out for the State Investment Corporation, by Mr Y. B., since 2006 to date, he will, for the benefit of the House, obtain from the State Investment Corporation, information, on a yearly basis, as to the purpose therefor in each case, indicating the -

- (a) value of the property, giving details thereof, and
- (b) amount of fees paid.

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** Again, Mr Deputy Speaker, Sir, I am tabling the list of valuation assignments carried out from year 2006 to date by Mr Y. B for SIC.

*(Interruptions)*

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

**Mr Bérenger:** Can we have the number again?

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

**Dr. Bunwaree:** Total?

*(Interruptions)*

Well, I'll have to count, Mr Deputy Speaker, Sir.

*(Interruptions)*

**The Deputy Speaker:** At least, how many pages?

*(Interruptions)*

**Dr. Bunwaree:** The total is Rs504,000.

**The Deputy Speaker:** We move now to the next item on the Order Paper.

**Mr Guimbeau:** Mr Deputy Speaker, Sir, I am expecting an answer from the hon. Minister.

**The Deputy Speaker:** The hon. Minister stated that he is going to table.

(*Interruptions*)

**Dr. Bunwaree:** It is on the Table.

(*Interruptions*)

**The Deputy Speaker:** Yes, we have got one question which has been redirected, it is PQ No. B/697.

### **BANK OF MAURITIUS - GOVERNOR**

**(No. B/697) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Governor of the Bank of Mauritius, he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to the –

- (a) date of his appointment;
- (b) duration of his contract;
- (c) monthly salary drawn and other allowances and fringe benefits to which he is entitled, and
- (d) number of overseas missions effected, since his appointment to date, indicating the cost thereof in each case.

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

The Governor was first appointed on 14 February 2007 for a period of three years. His contract expired on 13 February 2010. The Governor of the Bank of Mauritius was reappointed for a second three-year term on 21 May 2010.

As regards his salary, this is disclosed in the Annual Report of the Bank of Mauritius and the Governor earned a total of Rs3,140,392 and Rs3,885,212 for financial year 2009/2010 and 2008/2009 respectively.

As far as part (d) is concerned, the information relating to missions overseas is published in the Annual Report of the Bank of Mauritius which is laid every year and available in the Library of the National Assembly. The report is also available on the website of the Bank of Mauritius.

**Mr Bhagwan:** Can the hon. Minister inform the House whether the agreement for the salary package of the Governor of the Bank of Mauritius was approved by the Prime Minister's Office before being approved by the Bank of Mauritius?

**Dr. Bunwaree:** Well, I don't have this information off hand, Mr Deputy Speaker, Sir.

**Mr Bérenger:** At one point, the Governor, in a sign of protest, stopped taking his monthly salary. Can we know whether later on, it was considered as a "site" that he pocketed it all or is he still putting it aside as a "site" for tougher times?

*(Interruptions)*

**Dr. Bunwaree:** I have given the figures of what he has earned, Mr Deputy Speaker, Sir.

**Mr Uteem:** I heard the hon. Minister mention the figure of Rs3m. Does that include all his fringe benefits and allowances? We have not heard anything from what are the allowances and fringe benefits that he is entitled to.

**Dr. Bunwaree:** According to the documents I have in hand, it is the total earnings for each of these two years.

**Mr Ameer Meea:** It is almost the same thing. The hon. Minister said that information is available in the Annual Report. Can I ask him whether the fringe benefits also are available in the Annual Report?

**Dr. Bunwaree:** Well, the hon. Member must go and check the Annual Report and then he will get his reply.

*(Interruptions)*

**Mr Bhagwan:** Although the Minister is saying that it is published in the report - we will go and look at the report - can the Minister check that the Governor receives a princely salary all inclusive of more than one million rupees monthly? If this is the case, can the Minister check and report to the House that when we add his salary, lunch allowance, watchman allowance, telephone allowance etc, it is more than one million rupees monthly?

**Dr. Bunwaree:** I am not aware of this, Mr Deputy Speaker, Sir; I will be very surprised. In fact, the hon. Member takes the responsibility of what he is saying. I can inform the House

that he is one of the rare Governors in the world where the earnings appear on the accounts and on the website.

**The Deputy Speaker:** Next item now!

**MOTION**

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

**The Vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

**Mr Bachoo rose and seconded.**

*Question put and agreed to.*

**PUBLIC BILLS***First Reading*

*On motion made and seconded the Limited Partnerships Bill (No. XX of 2011) was read a first time.*

*At 4.51 p.m. the sitting was suspended.*

*Second Reading*

**THE PROTECTION FROM DOMESTIC VIOLENCE (AMENDMENT)**  
**(AMENDMENT) BILL**  
**(No. XIX of 2011)**

*Order for Second Reading read*

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs S. Bappoo):** Mr Speaker, Sir, I move that the Protection from Domestic Violence (Amendment) (Amendment) Bill (No. XIX of 2011) be read a second time.

This Protection from Domestic Violence (Amendment) (Amendment) Bill amends further the Protection from Domestic Violence (Amendment) Act 2007 to which I shall refer as the 2007 Act to introduce new provisions in the Protection from Domestic Violence Act to which I shall refer to as the 1997 Act and as Members would be aware that the 2007 Act has not yet been proclaimed and this is why today, we are seeking to amend an amendment Act.

The main objective of the new provision is to empower the honourable Chief Justice to make Rules for the purposes of the 1997 Act including Rules for the hearing of applications for occupation and tenancy orders and for matters related thereto.

Mr Speaker, Sir, since I assume office as Minister of Gender Equality, Child Development and Family Welfare last year, it has been my priority to ensure that the Protection from Domestic Violence (Amendment) Act passed in 2007 be proclaimed without any further delay.

From information obtained from the Office of the Master and Registrar by my Ministry, I was made to understand that the Rules to be made by the Chief Justice in terms of which applications for Protection Orders would be heard at District Court were being finalised. My Ministry has been continuously pressing for the Rules through the good office of my colleague, the Attorney General.

My attention was subsequently invited only a few weeks back by the representative of the Attorney General's Office who sits on the Rules Committee to the fact that Rules to be made under 2007 Act would apply only to applications for Protection Orders and not to applications for Occupation and Tenancy Orders thereby creating two types of procedures under one piece of legislation. Upon the advice of the Attorney General's Office, I deemed that it was essential to have uniformity and consistency in procedure and considered appropriate that the Rules to be made encompass all applications be they for Protection Orders, Occupation Orders and Tenancy Orders.

So now I come to the amendments proposed in the (Amendment) (Amendment) Bill. Mr Speaker, Sir, I propose to go through every amendment in turn.

Firstly, clause 3 of the Bill provides for the definition of "Permanent Secretary".

"Permanent Secretary" is defined as meaning the Permanent Secretary of the Ministry responsible for the subject of family welfare or any public officer designated by him to act on his behalf.

The Permanent Secretary of my Ministry is responsible under 2007 Act, for making arrangements for counselling or other support for victims in cases where a person has acted in breach of a protection, an occupation or tenancy order, and also to report any failure by an offender to comply with a court order to attend counselling sessions. However, "Permanent Secretary" has not been defined in the 1997 or 2007 Act.

Clause 4 of the Bill provides for the amendment of the procedure with regard to the hearing of applications for occupation and tenancy orders. Therefore, it amends the 2007 Act by inserting new provisions 4A and 4B, which respectively amend sections 4(3) and 5(3) of the 1997 Act, and provides that subject to such Rules as may be made by the Chief Justice, an

application for an occupation and tenancy order shall be heard in such manner as the Court thinks fit.

Mr Speaker, Sir, this amendment addresses the need for uniformity and consistency in procedure as I mentioned earlier.

Mr Speaker, Sir, I am informed that when the Bill of 2007 Act was introduced in the National Assembly, some Members of this august Assembly at that time had invited the attention of my predecessor and of the then Attorney General to the fact that amending sections 3 and 3A of the Act would create two types of procedure, i.e applications for protection orders would be heard, “as the Court thinks fit subject to the rules made by the Chief Justice”, while “cases shall be heard as a civil case between the parties who shall be free to call witnesses in the cases of occupation order and tenancy orders”. Now with the present amendment there will be only one type of procedure which will apply to the hearing of all applications made under the 1997 Act.

Further, clause 5 of the Bill seeks to introduce a new section 19 in the 1997 Act, that is, to prove that the Chief Justice may, after consultation with the Rules Committee set up under section 199 of the Courts Act and the Judges, make such rules as he thinks fit for the purpose of this Act.

This amendment has been provided for in this Bill in the light of the consultation that my Ministry had with the Attorney General’s Office. It was agreed that the 2007 Act as worded, implicitly, but not expressly, empowers the Chief Justice to make the Rules after consultation with the Rules Committee and Judges. Clause 5 therefore addresses the lacuna identified in the 2007 Act, with a view to removing any doubt or any confusion which might exist with regard to the power of the Chief Justice to make rules under the Act.

Finally, clause 6 of the Bill amends section 8 of the 1997 Act, so as to allow for different dates to be fixed for the coming into operation of different sections of the 2007 Act. The objective of this amendment is to provide flexibility in the proclamation of the different sections of the 2007 Act, so that if the proclamation of any section is delayed for any reason, the other sections of the Act can nevertheless be proclaimed.

So, with this particular amendment, it shall now be possible to proceed with the Proclamation of the sections of the Act on different dates. A major hurdle is hereby overcome by

doing away with the earlier restrictive provision requiring the Act to come into operation on a date to be fixed by Proclamation.

Mr Speaker, Sir, I wish to invite the attention of Members of the House to the fact that I had only two options. I could have chosen the easier path of the two and have action initiated for the proclamation of the 2007 Act. Then, I would have come with the present amendment to the 2007 Act, and the Rules would have applied only to protection orders. *Mais je dois faire ressortir que je n'ai pas choisi la voie de la facilité parce que je suis convaincue d'une chose – qu'une loi avec des procédures uniformes facilitera davantage les démarches des victimes de violence domestique auprès de nos cours de district pour l'obtention des divers ordres prévus sous la législation à cet effet et que si l'occasion nous est donnée pour rectifier les choses – nous avons un devoir de conscience de ne pas prendre de demi-mesures, mais nous devons aller jusqu'au bout des possibilités qui se présentent à nous pour le bien-être de nos citoyens et citoyennes qui réclament simplement que justice leur soit rendue dans le plus bref délai.*

So, Mr Speaker, Sir, it is only through the correct and complete enforcement of the 1997 Act, as amended, that it will prove useful in the lives of victims of domestic violence. Years after the enactment of the Protection from Domestic Violence Act, the weaknesses in the Act itself and the difficulties around its enforcement have become very apparent and victims of domestic violence complain of the difficulties they encounter in seeking the protection they need.

So, whilst the law cannot be used as a panacea for the ills of a complex social phenomenon such as domestic violence, it is however necessary that when victims of domestic abuse do turn to law for protection, the law should be efficient and effective in its purpose.

So, Mr Speaker, Sir, I would like here to thank my colleague, the Attorney General and his team, who have acted promptly when my attention was invited on the issues of uniformity and consistency required in the legislation. I also wish to thank my staff for the diligence and commitment throughout the whole process.

So, with these proposed amendments, *comme on le dit en Français “La boucle est maintenant bouclée”* and I have no doubt that on both sides of the House there is a meeting of hearts and minds over a matter that is very clear to all of us, that is the protection of victims and families in their own homes.

So, with these words I now commend the Bill to the House

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

(5.39 p.m.)

**Mrs F. Labelle (Third Member for Vacoas and Floreal):** Mr Speaker, Sir, it is with a feeling of hope that I welcome the amendment to the Protection from Domestic Violence (Amendment) Bill.

Mr Speaker, Sir, I must say that I am grateful to the hon. Minister for having made the history, the background of these amendments. Many were surprised in 2007 while the amendment regarding the hearing of the Protection Order was being amended, the Order for Tenancy and Occupation was not. After several years, this law has not been proclaimed, while everyone is aware of this very serious problem which affects our society, which is domestic violence.

With these amendments today, Mr Speaker, Sir, these three orders, be it the protection order, the tenancy order or the occupation order, will have the same treatment before the court. So, the rules will be here and everyone will know how these hearings will be made. We believe, on the side of this House, that this is something that has to be done and we thank the hon. Minister for bringing this amendment to the House. Particularly, it is one year that she has taken office; she has seen this *manquement*, and very humbly said: “there was *manquement* and we are trying to amend this.” I really appreciate, Mr Speaker, Sir, such attitude and I say it when I appreciate.

Mr Speaker, Sir, the reasons have been given and true it is the effect of these amendments will be seen in the implementation of the law. It is only then we are going to see how these amendments will improve the lives of the victims of domestic violence. Mr Speaker, Sir, there is not a lot to say on these amendments on which we agree. *On ne peut que souhaiter que cet amendement soit proclamé beaucoup plus rapidement que celui de 2007 et nous ne pouvons espérer que ces amendements proposés sauront faire une différence pour le meilleur dans la vie de ces nombreuses victimes de violence domestique. J'en ai fait, M. le président. Merci.*

**Mr Speaker:** I thank the hon. Member for the short and pertinent remarks.

(5.42 p.m.)

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Of course, I shall be very brief as well. I remember when this Act was passed in Parliament - we were together, the Labour Party and the MMM - I did pronounce myself for that Bill. Today this Bill has been in operation. Of course, through time, if we have to make the Bill more practical, we, on this side of the House, will support.

Now that we have consistency, not only it will help the victims of the domestic violence, but also the practitioners and the courts. Because now as it is each and every Magistrate has his own rules and regulations and each court has its own rules and regulations with regard to the application and how to deal with such cases. Now, that we have consistency, it is very good. But however, when the hon. Minister said that *la boucle est bouclée*, there is something perhaps on her side. But there is something which I am sure I will do, that is, to invite the hon. Minister and the Government to liaise with the Police. We still have some problems with the domestic violence because the Police very often do not entertain cases of domestic violence. They just refuse to take steps and tell the victim to go and report the matter which takes longer, whereas they could assist at the early stage. So, I will invite the hon. Minister to liaise with the Police. They should review their Standing Orders or their practice to ensure that once a victim of domestic violence walks in the Police station, she, or even he, in certain cases, is not kicked out and sent to other institutions, so that we can solve the issue at the early beginning itself.

I welcome, of course, the counseling issue because very often, we have seen that a report or an injunction against a domestic violence has always been the first step for a divorce petition. It is very good that at this early stage the Magistrates do have the power to do counseling. And we see that in the law the amendment says that with the consent of the victim, but probably the counselor could also sometimes invite the victim as well to give both parties proper counseling so that they can know how to live together without any violence in their domestic life.

That would be all. So, we welcome the amendment.

(5.45 p.m.)

**Mrs Bappoo:** Mr Speaker, Sir, of course, I am very happy to see that there is total agreement on this amendment. There is one thing that has been mentioned by hon. Baloomoody, it is about the way the Police behave at times in the Police stations, but during these past years we have tried also to have consultations and discussions with the Police Force. I want to inform the House that I have inquired what has been the last action and corrective measures taken by the Police. I have been informed by the Commissioner of Police - and I would like to mention this because they are very important to the issue of domestic violence at Police stations - that there have been 629 capacity building programmes that have been provided to Police officers including officers of the Police Family Protection Units in connection with the handling of cases of domestic violence since January 2007 to date and such initiatives will be maintained and stepped up in their end.

Furthermore, in the wake of the National Policing Strategic framework which has been introduced by the Prime Minister's office to create *inter alia* a *police de proximité* and women friendly Police stations, there have been 26 women Police constables posted at the Police Family Protection Units, 268 women Police constable posted at Police stations whilst two are on call for each of the seven divisions of the Police on a daily basis. Presently, there is hope of improved response to cases of domestic violence at the level of Police stations in light of an increasing number of women employed in the Force and why not in the future we don't have "Women Friendly Police Stations", especially with the personal commitment that our hon. Prime Minister himself has in order to have a more efficient and trained Police Force. Let's have hope for the future. I thank all the Members, especially hon. Mrs Labelle and hon. Baloomoody.

*Question put and agreed to.*

*Bill read a second time and committed.*

## COMMITTEE STAGE

*(Mr Speaker in the Chair)*

*The Protection from Domestic Violence (Amendment) (Amendment) Bill (No. XIX of 2011) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the Protection from Domestic Violence (Amendment) (Amendment) Bill (No. XIX of 2011) was read the third time and passed.*

*Second Reading*

**THE CIVIL STATUS (AMENDMENT) BILL**  
**(NO. XVII OF 2011)**

*Order for Second Reading read.*

(5.50 p.m.)

**The Attorney General (Mr Y. Varma):** Mr Speaker, Sir, I move that the Civil Status (Amendment) Bill (No. XVII of 2011) be read a second time.

Mr Speaker, Sir, this Bill seeks to expedite the processing of applications for change of name by reducing the time period during which an interested party may lodge an objection to an application for change of name from four months to 28 days.

The existing procedure for applications for change of name is set out in Part VII of the Civil Status Act. Under section 55 of the Act, any citizen of the Republic may petition the Attorney General for a change of name. Section 56 sets out the current procedure for notice of the application to be given in the *Gazette*. Applicants are required to give notice in the *Gazette* and two daily newspapers. The notice has to be published at least three times in the *Gazette* and in each of the newspapers. Any interested person may lodge an objection to the application within four months from the last publication.

Mr Speaker, Sir, in terms of statistics, for the past five years, the number of applications which have been received for change of name is as follows -

<u>Year</u>	<u>No. of applications received</u>
2007	410

2008	371
2009	427
2010	455
2011 (to date)	228

Mr Speaker, Sir, the number of applications has been on the rise for the past three years. As far as objections are concerned, I am informed that, this year, some ten objections have been received so far.

When an application is received, it is processed on a ‘first come first serve’ basis, unless it is an urgent one. The file is usually referred for Police enquiry, and I have recently given instructions for publications to be done simultaneously.

As I have previously explained, the applicant has to cause notice of the application to be published at least three times in the *Gazette* and two daily newspapers. The period of four months for any interested party to lodge any objection to the application then runs from the date of last publication. If an objection is raised, grounds of objection have to be filed. Once this procedure has been followed, the application is submitted for the Attorney General’s consideration. All in all, we are currently speaking of a time frame of at least 10 to 12 months before an application can be granted. With this amendment and recent administrative decisions, the aim is to reduce the time frame to around three months.

Mr Speaker, Sir, the problem we have to address is undue delay. The period of four months from the last publication to lodge an objection has existed for some 30 years, ever since the Act was passed in 1981. Over the years, this has contributed to administrative delays before applications for change of name can be considered. The need for change in order to unclog and speed up the system is, therefore, imperative.

There can be no valid reason why any applicant, who has waited for administrative procedures to be followed at the level of my Office and that of the Police and complied with all publication requirements, should have to wait for four additional long months for any interested

party to lodge an objection to the application. Instead, the period of “28 days” is considered to be a fair and reasonable time-frame.

Mr Speaker, Sir, I have explained the purport of the amendment. I wish to add that the current period of four months for an objection to be lodged will continue to apply to any application which is pending at the commencement of the Act.

I also wish to inform the House that I intend, by way of notice in the press, to inform the public of the new delay for filing objections before the Act comes into operation on 01 August 2011.

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

**Mr Von-Mally rose and seconded.**

(5.54 p.m.)

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Mr Speaker, Sir, on this side of the House, of course, we are here to support when it comes to reducing delay in administrative matters. However, we wish to make just one simple remark. Now, we are living in the age of technology - ICT. We have a Mauritian Diaspora - we should not forget that - and our *Gazette* is not online. Perhaps we have to look into that, because now the period of four months is being reduced to 28 days. If somebody is abroad and wants to object, he will not have sufficient time. He may have a very much particular interest in that issue. I invite the hon. Attorney General to look into the publication, and whether we should not insist to have one which is, at least, online, so that anybody who is outside Mauritius can send his protest, or we move towards having our *Gazette* online. Otherwise, of course, we support that reduction from four months to 28 days.

Thank you.

**Mr Varma:** I would like to thank the Opposition for their support as regards this Bill, and the suggestion of the hon. gentleman is noted.

Mr Speaker, Sir, I commend the Bill again to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

## COMMITTEE STAGE

*(Mr Speaker in the Chair)*

*The Civil Status (Amendment) Bill (No. XVII of 2011) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the Civil Status (Amendment) Bill (No. XVII of 2011) was read the third time and passed.*

*Second Reading*

## THE INSTITUTE FOR JUDICIAL AND LEGAL STUDIES BILL

**(NO. IX OF 2011)**

*Order for Second Reading read.*

(5.57 p.m.)

**The Attorney General (Mr Y. Varma):** Mr Speaker, Sir, I move that the Institute for Judicial and Legal Studies Bill (No. IX of 2011) be read a second time.

In fact, it is a privilege to present such a ground breaking and long awaited piece of legislation. The setting up of the Institute is a landmark decision and will, I humbly believe, be remembered as one of the greatest achievements of this government led by Dr. the hon. Prime Minister in the legal field.

Mr Speaker, Sir, it cannot be denied that one of the major concerns of this government has always been the upholding of the rule of law, and that one of the ways of maintaining the rule of law is by ensuring that our justice and legal systems meet the required standards, which any democratic society *digne de ce nom* should achieve. In order to attain this objective, this

government has embarked upon ambitious reforms to modernise our judicial and legal system. In fact, this government is pursuing the above objective today, with the introduction of this Bill in the National Assembly.

Indeed, the Bill mainly seeks to implement certain recommendations of the Presidential Commission (chaired by Lord Mackay) set up in 1997, the objective of which was, as hon. Members would recall, to examine and report upon the structure and operation of the judicial system and legal profession of Mauritius.

It is worth highlighting the relevant views and recommendations of the Presidential Commission, which are as follows -

- (a) it is highly desirable that courses should be organised for the continuing education of lawyers in legal developments;
- (b) studies by the Judiciary, following their appointment, are vitally important to the success of the Judiciary, and it is strongly recommended that a Judicial Studies Board be set up to have the responsibility of organising suitable induction training and continuing training for Judges and Magistrates at various levels;
- (c) a suitable budget would require to be given, and the Board should have a secretary from the Court Service who would be responsible for making the necessary practical arrangements to carry out the instructions of the Board;
- (d) participation in regional courses may be necessary, and cooperation with other institutions in the region providing judicial training might be appropriate;
- (e) it would be open to the Board to invite lectures from Judges from overseas, and it should also be within the scope of the responsibility of the Board to arrange for Judges and Magistrates to travel overseas from time to time to participate in study conferences also. The decisions on these matters should be for the Board within the budget allotted to it, and
- (f) in view of the nature of the State Law Office (SLO), it would be right that members of the SLO should be able to participate in the courses and that from time to time courses might be provided of particular relevance to them.

Lord Mackay, thereafter, that is, in September 2006, extended the recommendation made earlier in the 1997 Report of the Presidential Commission, by suggesting that consideration also be given to providing in the law for law practitioners in general to be required to follow continuous legal training, as in the United Kingdom and other jurisdictions, and that an institution for the continuing training of Judges and Magistrates be set up. As pointed out by Lord Mackay, this institution would play an important role in training and sensitising Judges and Magistrates and inculcating in them notions of case management etc. and he recommended that funds be made available for this institution.

In the light of the above views and recommendations of the Presidential Commission, and as stated at paragraph 290 of the Government Programme 2010/ 2015, the Institute for Judicial and Legal Studies Bill is therefore being proposed for the purpose of establishing an Institute for Judicial and Legal Studies, which shall mainly conduct Continuing Professional Development Programmes for law practitioners, including legal officers, and courses for prospective judicial and legal officers and law practitioners who qualified in a State other than Mauritius, for the purpose of promoting proficiency and ensuring the maintenance of standards in the Judiciary and among law practitioners and legal officers with a view to enhancing our legal system.

Mr Speaker, Sir, in the Budget Speech 2010/2011, it was announced, and I quote -

“The Judiciary also has a significant role to ensure that all persons are able to live safely under the Rule of Law and to protect life and property. To enhance the Judiciary’s capacity to carry out its responsibilities, Government is providing for the setting up of an Institute for Judicial and Legal Studies for the continued training of professionals in both the judiciary and the legal profession.”

The Government is delivering on its promise and I thank the hon. vice-Prime Minister and Minister of Finance for his understanding and support.

Mr Speaker, Sir, the fact is that our legal system, as it presently stands, does not have the appropriate institutional framework, to enable members of the legal profession to undergo continuous training in order to improve their skills and meet the changing needs of their profession, which is day by day proving to be extremely demanding with the phenomenon of globalisation and the increasing need for the sharing of information and specialisation in certain areas of the law which can, very often, be quite complex.

It has often been stated that prospective judicial officers should receive proper training prior to their appointment and an institute along the lines of the *École Nationale de la Magistrature* in France or the Judicial Studies Board in the United Kingdom should be set up in Mauritius. I recall stating in this House a few years ago, when I was a Government backbencher, that someone cannot be a Barrister on one day and become a Magistrate on the next. Appointment to judicial office demands a number of skills and we need to ensure that adequate training for that purpose is dispensed by a professional body. It has long been advocated both by the Judiciary and the legal profession that such an institution should be set up.

Mr Speaker, Sir, the Institute for Judicial and Legal Studies Bill, therefore, seeks to fill the above vacuum in our law in order to increase professionalism in the legal sector. This institution will also conduct courses, seminars or workshops for the continuing training of judicial, legal officers and law practitioners to keep them abreast with the latest developments and skills in the law.

I must point out that the draft Bill was circulated among various stakeholders, including the Judiciary, the Mauritius Bar Association, the Chamber of Notaries, the Mauritius Law Society, the Office of the Director of Public Prosecutions and the Law Reform Commission for their views and comments, and that due consideration has been given to the representations made, in the finalisation of the Bill. Nevertheless, despite wide ranging consultations, representations were also received after the Bill was introduced in the National Assembly and we have been sympathetic to these representations. I will, therefore, be moving certain amendments at Committee stage, as circulated.

I shall now, Mr Speaker, Sir, take the House through the salient features of the Bill.

Clause 4 of the Bill provides for the objects of the Institute, which shall in fact be to -

- promote proficiency and ensure the maintenance of standards in the Judiciary and among law practitioners and legal officers, and generally in the delivery of Court services;
- foster continuing judicial and legal education;
- promote international exchanges and co-operation with other jurisdictions in the field of judicial and legal studies, and

- promote transparency and consistency in the sentencing of offenders, and the award of civil damages, by making recommendations to the Chief Justice for the issue of guidelines.

As for the functions and powers of the Institute, they are respectively provided for under clauses 5 and 6 of the Bill. It is here worth noting that some of the main functions of the Institute shall be to -

- conduct or supervise courses, seminars or workshops for the continuing training of judicial and legal officers;
- devise, organise and conduct Continuing Professional Development Programmes for law practitioners, including legal officers, and courses for prospective judicial and legal officers and law practitioners who qualified as such in a State other than Mauritius. I would here like to point out that I shall, at Committee Stage, move an amendment to clause 2 of the Bill, to specifically provide for the definition of Continuing Professional Development Programme, and the definition of legal officer in relation to which a Schedule is proposed to be added to the Bill;
- arrange for the dissemination of information and documentation among judicial and legal officers and law practitioners, and
- organise and conduct courses for Police and public officers, Court staff and persons employed by law practitioners.

Mr Speaker, Sir, public officers in Ministries need to have drafting skills, and Police officers, officers from the Ministries of Labour & Industrial Relations, Health, Fisheries. etc and officers from local authorities need to be adequately trained to conduct cases in court.

Court staffs need also the appropriate skills to discharge court duties and persons employed by law practitioners have to be trained to work for law practitioners. The Institute for Judicial and Legal Studies will cater for the dispensing of these skills thereby helping in the administration of justice.

Mr Speaker, Sir, as far as the administration of the Institute is concerned, provision is made, under clause 7 of the Bill, for a Board, which shall administer and manage the affairs of

the Institute and which shall be known as the Judicial and Legal Studies Board. The Board shall in fact consist of -

- a Chairperson who shall be a person who holds or has held judicial office, a law practitioner or legal officer of not less than 10 years' standing, or a person who has proven ability and experience in legal education;
- 3 representatives of the Judiciary;
- the Solicitor-General or his representative;
- the Director of Public Prosecutions or his representative;
- a member of the academic staff of the Faculty of Law of the University of Mauritius;
- 3 law practitioners;
- a member of the civil society, and
- such other persons, not exceeding 3 in number, as the Chief Justice may, after consultation with the Chairperson, co-opt on the Board either generally or for any specific purpose.

As regards the appointment process, I would here like to draw the attention of the House, to the fact that clause 7 (3) (b) of the Bill presently provides for the appointment of the 3 law practitioners on the Board to be "after consultation with" the professional body concerned. I shall, at Committee Stage, move an amendment to the clause, so that their appointment shall be "on the recommendation of", instead of "after consultation with", the relevant professional body. As for the members eligible for re-appointment under clause 7(4) (a) (ii) of the Bill, I shall, at Committee Stage, move an amendment to the clause, to specify that their re-appointment shall be for not more than one further term of 3 years.

It is also to be noted that the Board may set up such committees as it thinks fit to assist it in performing any of its functions, and every member of the Board shall be paid such fee or allowance as the Chief Justice may determine.

Furthermore, in order to enable the Institute to carry out its functions, provision is made, under clauses 8 and 9 respectively of the Bill, for the appointment of staff and engagement of resource persons and consultants, by the Board. Thus, under clause 8 of the Bill, the Board is

given the power to appoint a Director who shall be the chief executive officer of the Institute. The Board may also, after consultation with the Head of the Civil Service, appoint such other staff from among public officers as may be necessary for the proper discharge of its functions and every person so appointed shall be paid such allowance as the Board may determine. As for resource persons and consultants, they are to be engaged on terms and conditions to be determined by the Board.

Insofar as the funds of the Institute are concerned, clause 10 of the Bill makes provision for the setting up by the Institute of a General Fund into which shall be paid all monies received by it and out of which all payments required to be made for its operation, shall be effected.

As far as clauses 11, 12, 13, 14, 15, and 16 of the Bill are concerned, they respectively provide for the powers of the Chief Justice (who may give directions of a general character to the Board), donations to the Institute, the execution of documents relating to the Institute, exemptions from payment of any registration duty, fee or charge in respect of any document under which the Institute is the sole beneficiary, legal proceedings and service of process on or by the Institute, the commission of offences and the penalties relating thereto.

Finally, clause 17 of the Bill, for its part, presently makes provision for the making of regulations by the Board, with the approval of the Attorney-General. I shall, at Committee Stage, move an amendment to the clause for regulations to be made by the Board with the approval of the Chief Justice.

Mr Speaker, Sir, this Bill will be complemented by the provisions of the Law Practitioners (Amendment) Bill which will be debated shortly in the National Assembly.

Before concluding, I shall take the opportunity to inform the House that the Institute will, for a start, be using the premises of the Council of Legal Education and, negotiations are ongoing for part of the ex-Mauritius Broadcasting Corporation building in Forest Side to be used thereafter to house the Institute for Judicial and Legal Studies. I am also informed, Mr Speaker, Sir, that the *École Nationale de la Magistrature* of France and the Judicial Studies Board of the United Kingdom are ready to help in the setting up of the Institute.

In fact, the French Embassy has invited the “*Sous-Directeur des Études*” at the “*Ecole Nationale de la Magistrature de Bordeaux*” and the “*Chef de Cabinet du Directeur de l’École*

*Nationale de la Magistrature de Paris*" to come to Mauritius in the coming months in order to hold consultations with the appropriate authorities.

I am pleased to inform the House that, in the margins of the Commonwealth Law Ministers' Meeting in Sydney last week, I established contact with members of the Bar of the New South Wales and I am confident that we will be able to obtain the assistance of the Australian Bar and Judiciary in the organisation of Continuing Professional Development programmes and training for the members of the Judiciary in Mauritius.

Mr Speaker, Sir, the objective which the Government wants to attain, through this Bill, is not only to ensure that a high degree of professionalism and standard is maintained in the Judiciary and among law practitioners and legal officers throughout their career, but also to improve our judicial and legal system generally by bringing the necessary reforms to ensure that members of the public get, as far as possible, the best professional legal services and therefore reinforce the confidence of the public in the legal profession and the Judiciary.

The Lord Chief Justice of England and Wales at the Judicial Studies Board Lecture in 2010 stated the following, I quote -

“The Judicial Studies Board has been the judiciary’s greatest success story (...) it is the jewel in the judicial crown.”

I therefore have no doubt, Mr Speaker, Sir, that the Bill being proposed today will be favourably welcomed.

Last but not least, I would like to thank my officers who have worked on this Bill without forgetting the former Parliamentary Counsel, now Judge of the Supreme Court, Justice David Chan Kan Cheong, Senior Counsel and Sir Victor Glover, Legal Consultant.

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

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

(6.15 p.m.)

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Mr Speaker, Sir, we, on this side of the House, we are, of course, for continuous education. Earning a degree or a professional qualification in itself is not the end of a professional, especially when it comes to a

legal profession. The law, Mr Speaker, Sir, is a constantly evolving entity, sometimes shifting with subtlety and sometimes changing with dramatic and far-reaching consequences. So, Mr Speaker, Sir, we need to have continuous education; we need both the practitioners, the Judiciary, the Magistrate to be made aware of the changing world of the legal profession.

However, when we look at this Bill and after having listened to the hon. Attorney General, we have some doubts as to whether this institution, which we are going to set up, will be an institution for professional to continue learning or an institution which will create professional. When you look at that Bill in itself it talks about continuous legal education. So, if we are talking about continuous legal education, we should not mix this with an '*École de Magistrature*'. This institution, according to the Bill, is to promote, to conduct courses, seminars and workshops for the continued training of judicial and legal officers. So this institution can only give these judicial and legal officers courses after they have been appointed and Magistrates after they have been appointed judges, after they have been called to the Bar as legal advisers and not prior to that. So, when the hon. Attorney General comes and tells us that this institute will run an '*École de Magistrature*', we have to ask questions and this Bill does not put any obligation on the professional to attend courses, he said 'might provide courses'. So, those who choose to go or can afford to go will go and those who don't want to go won't go to the courses, whereas in the UK and in other countries, you have a continuing legal education which, in some cases, is compulsory upon the practitioners. For example, in England and Wales, all solicitors and legal executives who are in legal practice or employment or who work 32 hours or more per week are required to complete a minimum of 16 hours of continuing legal education.

So, this is what we expect this institute to do, but, again, like I said, there is no obligation put upon the practitioners. So, if there is no obligation upon the practitioners and there is an institute, what is the purpose? How is it that this institute will promote the service of a judiciary, the service given by a Barrister, if there is no obligation for him to attend? I am not talking about the judiciary; I am talking about the legal service with regard to law practitioners, Barristers, Solicitors and Notaries. As I have said, things change, we are moving in an international world, we have to impose probably upon certain lawyers to attend that course and this will provide a better system of justice or a system of legal services. If we look at the Bill, I am glad that, at least, now we recognise that the Judiciary and the Magistrate as well needs training, because there was a time when this idea of telling a Judge to go for training was flirting with contempt.

Now, at least, we realise it. But the Bill promotes the Judiciary, law practitioners, legal officers and generally the delivery of good Court services. What do we mean by ‘delivery of Court services’? I am referring to paragraph 4 (a). We are shifting from the obligation of a practising barrister, because once a practising barrister finishes his case in court, he has no obligation. He has no authority upon the court. You have been a practising Attorney yourself, Mr Speaker, Sir, you will know. How many times clients come to us and say: “*missié, quand pou gagne jugement?*” We just have to tell them: sorry! We don’t have any control on the court, when they will deliver judgement, when they will give their ruling.

This institution is supposed now to -

“...and generally in the delivery of Court services;”

I don’t understand. Probably, the hon. Attorney General would tell us which specific Court services this institution will give advice to. Are we now going to impose a time limit on certain court? Are we now to impose time limit on delivery of judgement? This is what we should know when we say: “in the delivery of Court services”.

“(b) foster continuing judicial and legal education;”

Again, as I said, there is no obligation of the professional to attend this judicial and legal education, because this is not an Institute which is creating professionals. This is an Institute which is supposed to keep professionals in touch with the movement in the law.

“(c) promote international exchanges and co-operation with other jurisdictions in the field of judicial and legal studies;”

This is quite technical.

“(d) promote transparency and consistency in the sentencing of offenders, and the award of civil damages, by making recommendations to the Chief Justice for the issue of guidelines.”

Are we now going to have specific guidelines on Magistrates? For this specific offence, should it be such sentence? I am for a consistency of sentencing, let’s be clear! But to “promote transparency and consistency in the sentencing of offenders”, will that institution dictate the Judiciary?

“...and the award of civil damages, by making recommendations to the Chief Justice for the issue of guidelines.”

Is that institution which is going to give guidelines by making recommendations to the Chief Justice? It is not clear. Are we going to have a table for sentences, a table for damages? This institution, which is supposed to train continuous legal education of barristers and solicitors, going to do that? The Attorney General should clarify. As we said, we are not against an institution which will promote justice in itself.

Let's see the function of the Institute -

“The Institute shall have such functions as are necessary or expedient to further its objects most effectively and shall, in particular -

(a) conduct or supervise courses, seminars or workshops for the continuing training of judicial and legal officers;”

Now, we will have workshops which will be attended by whom? No obligation upon the barristers to attend!

“(b) devise, organise and conduct Continuing Professional Development Programmes for law practitioners, including legal officers, and courses for prospective judicial and legal officers and law practitioners who qualified as such in a State other than Mauritius;”

What other State are we talking about? Any State?

“(c) identify areas of need and interest where specialised knowledge is required, and promote and coordinate research and development, in the judicial and legal sectors;”

Is it a Research Institution now? Are they going to go on the market to do a sort of a survey to see in which field there is a demand and then offer courses? Has it become a Research Institution?

“(d) establish areas of co-operation and linkages with local, regional and international bodies in the judicial and legal sectors;”

This institution can at least gather information; there is no wrong in it.

“(e) conduct a regular review of, and advise on compliance with and amendments to, the Guidelines for Judicial Conduct;”

Are we talking about guidelines to the Judiciary? Guidelines for Judges and Magistrates? I don't know! Can this institution do that? We don't have an *école de magistrature*. So, still they don't have a code of ethics - let's put it that way! We don't have a code of conduct. We

have code of ethics for lawyers and attorneys. We don't have one for Magistrates and Judges. But is this institution going to provide it now? We are not against, we are not for. But tell us whether this is the role of the institution!

“(f) formulate, adapt and monitor best practices in the administration of justice;”

I thought it was for the Chief Justice and the Judiciary to be their own master of their rules and regulations as it is in many countries. Now, this institution is going to tell the Judiciary how to administer its own affairs! I don't know.

“(h) where appropriate, organise and conduct courses for police and public officers,

Court staff and persons employed by law practitioners, with a view to improving the administration of justice.”

Again, this institution, when we know that there is a Police Academy! I heard it somewhere. The hon. Prime Minister for the opening of the Charter of the Police said that there will be a Police Academy. Are we going to have another institution that is going to give courses to the Police? As we said, we are for promoting professionals. We are for a better system of justice and a quicker system of justice. We want qualified, proper Magistrates and Judges and especially, when it comes to Magistrates, we need an *école de magistrature*. We just spoke on an important law, the Protection from Domestic Violence Bill, which we have just amended. But I am sorry to say that in many cases, Magistrates cannot handle these problems. They don't have experience. They have never, *vivre ces moments-là* themselves. They are still young - two years at the Bar. You can call at the Bar at 21 years and at 23 years you are a Magistrate and you are supposed to deal with cases of domestic violence where there is a couple of 15 or 25 years of marriage who has got three children and four grandchildren, and you are going to advise them. This is where we need *une école de magistrature* and this institution cannot do that. We should not mix issues when we talk about the representative of *école de magistrature* from France who is coming to Mauritius to advise this institution.

I think it should be a continuous legal education institution and it should be for the professional. It might be for the Judges as well, but it should not dictate, as if we are having an institution which gives rules and regulations to the court, to the Magistrate, code of conduct to the Judges. We want to know exactly the limit of it, because we are talking about a very important limb of democracy: the Judiciary. We still have a very strong independent Judiciary.

Let us not have a parallel institution which will come and dictate, give orders, to the institution instead of promoting the legal profession.

My intervention has been more on queries and we expect clarification from the Attorney General because, as he said, the main objective is to promote, provide an institute for the purpose of promoting proficiency and ensuring and maintaining of standards, and not to educate, to give rules and regulations, to educate pre-qualified practitioners. It is for continuous education of qualified legal practitioners be it at the Bar, be it at the Magistrate, be it at the Judiciary.

Thank you, Mr Speaker, Sir.

**The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):**

Mr Speaker, Sir, from the outset, it being a debate, I shall contend myself with just replying to the comments made by hon. Baloomoody. We must have heard the hon. Attorney General correctly say, when he presented this Bill to the House, that this particular Bill, the Institute for Judicial and Legal Studies Bill, will complement another Bill that is coming up very shortly, that is, the Law Practitioners Amendment Bill. He also said that it will be debated shortly in this House. I am of the view that if this sentence alone had been listened to by the hon. Member, those questions and queries are, in my humble opinion, a disguised way of criticising what should not be criticised because when one reads or listens to that particular sentence of the Attorney General's intervention, one understands that one should not look at this Bill on its own, but one should also read it complementarily with the Law Practitioners Amendment Bill. When one reads it together, one can have an exact picture of what exactly are the fundamental deep changes that this Government is bringing to the whole system of our judiciary. That is why, I believe, we should commend the hon. Attorney General for the excellent piece of work, him and his officers have put into this Bill.

**Mr Speaker:** I should advise the hon. Minister not to open the debate on the other Bill, that is, the Law Practitioners (Amendment) Bill. There are objectives which have been set clearly in paragraph 5 of this Bill and he should go accordingly.

**Mr Mohamed:** It was never my intention to open anything.

**Mr Speaker:** The way you say was you will start debating it.

**Mr Mohamed:** No, basically, this is already said in the introduction. It will be complementing this Bill. One important element of this Bill which has been talked upon at

length by the hon. Member before me is the element of Continuing Professional Development, CPD. True it is that in Australia, I came across that system, in early beginning of this century, when I was in Sydney and I was pretty taken aback to note that practicing lawyers were obliged to go compulsorily for this continuous Professional Development Course and failing which, there was also a certain possibility of their licence not being renewed and them not having the possibility of practicing at the Bar if they had not followed those courses. Now, the question was only being present at those courses, not necessarily of getting through any exams whatsoever, but being there.

In the United Kingdom, it came even after Australia, but there also, the hon. Member is right that it exists in the United Kingdom. In Mauritius, there is, obviously, in this Bill, no reason to be worried about the creation of a parallel Institution. Because as it stands right now, there is no doubt that the Institutions exist. But the Institutions that exist, Mr Speaker, Sir, do not and cannot carry out those training programmes. That is why it is important that we have the creation of this Institute, because this Institute, on the contrary, has expatiated by the hon. Attorney-General and explained in the object of the Institute, there is a need for it. Why? Because there is, indeed, a need for continuous Professional Development Programme, there is a need to promote proficiency and ensure maintenance of standards in the judiciary. This does not only start from the level Judges or Magistrates, all the ways through Lawyers, but as we see in clause 5(h) of the Bill –

“where appropriate, organise and conduct courses for police and public Officers,”

For example, the hon. member talked about Police and a parallel Institution because we have a Police Academy. The fact is that there are prosecutors who are in Court every day, but the Police Academy cannot conduct, for instance, in my view, courses for Police Prosecutors that appear before Magistrates and Barristers. Obviously, it shall be, I believe, the object and the purpose of this Institute to give the necessary training and professional development tools to that Police Officer who is in the role of a Police Prosecutor. Once again, the Court staff also have to be trained because, obviously, we do not want people who are the Court staff, present in all Courts of law, be it in a Criminal Court or a Civil Court, sitting there as robots, just following it by rote. They have to understand what is going on for them to be able to think on their feet and they also have to be taken into account in this whole family of the Judicial officers. There is no

institution right now that continuously gives this professional help and continues development to the Court staff and Police officers.

As far as my initial comment just now is because the hon. Member had stated that the compulsory element of Continuous Professional Development is not present in this Bill. Mr Speaker, Sir, one cannot have in a Bill that talks about the Institute for Judicial and Legal Studies, the element of compulsorily having Barristers or Law Officers go to certain courses; that is why I had made a reference to what I understood when the hon. Attorney General said that one should read this Bill and it will complement the Law Practitioners Amendment Bill that will come later on. It is obvious, if you have to, in any way, impose or make it compulsory upon a Barrister or a Law Officer to go to those courses, you cannot bring it in this Bill. It has to be in a Bill that dictates his profession, that is, the Law Practitioners Act has to be amended for it to be included therein. I am of the view that yes, we have come to a stage in Mauritius. That is a fact, we talked about arbitration and how much this Government has done in order to create an Arbitration Centre of high repute in this region of the world. Let us ask ourselves - I being a Barrister by profession - how many Barristers in Mauritius are specialised in the field of arbitration? The answer is not many. How many Barristers in Mauritius are specialised in the field of International Taxation? The answer is, not many. The fact is, for the legal profession and when we have an Industry like the Offshore Sector in Mauritius, many lawyers complain. We have lawyers in the Opposition who also will understand what I am saying. Many lawyers complain that the field of offshore, the issue of structuring companies, the issues of having international tax structures have been taken over by accountants in our country; precisely because Mauritius does not have many lawyers who are specialised in that field. That is why, I personally welcome, and I believe all of us should welcome, what I see in clause 5(c) -

“identify areas of need and interest where specialised knowledge is required.”

More and more, not only Barristers, must be trained and specialised in certain specific fields where there is a need for such specialist knowledge. In Mauritius, if we are to grow as an International player, but also Magistrates and Judges need to be in a position where listening to facts of a case, be able to deliver judgement and they can only do so with proficiency if they have been trained and obtained this continuous training in that particular specialised field.

For those very simple reasons, I am of the humble view, Mr Speaker, Sir, that this is the basis for a new Institution that is a much needed Institution in our country and will bring excellent progress to the legal profession as a whole, including Courts staff, Police officers and Public officers. We are soon, as I have heard the hon. Attorney General say, coming up with the Law Practitioners Amendment Bill. We will wait for the element of continuous professional development to see it therein because I am of the view and I agree with hon. Baloomoody that there is a need for it to be compulsory because failing which there will be no point of holding courses where people do not really have to go there. It has to be compulsory. Other great democracies have made it compulsory. Lawyers are obliged in the United Kingdom, Australia and other countries to follow courses, failing which they will have no right, their licences not renewed and they cannot practice law. I think this is a welcome change and this is the only way that we can really say that we belong to a great democracy; a country which can really move forward, shoulder to shoulder, with other big democracies of developed countries. Thank you very much.

(6.40 p.m )

**Mr P. Roopun (Third Member for Flacq & Bon Accueil):** Mr Speaker, Sir, I believe that there can be no qualm about the broad objectives of this Bill, as the hon. Member from the Opposition did mention. We pass an examination to enter a profession, this does not mean that all throughout our career, we are in line with all subsequent developments, that we remain competent to advise and to practice within our profession. In fact, we all know about this legal fiction and in fact, it is a fiction that everybody is deemed to know the law and it would be unthinkable if those who are supposed to advise others are not themselves at tune with the latest developments and are not well versed with amendments and development. For our legal profession this also is particularly important for two main reasons.

First of all, we know the specificity of our legal system. There are Barristers, Attorneys and Notaries and each one of these branch of professionals are competent in certain fields, but they do not have the competency in other sectors. Lawyers coming from U.K are well versed with the law of evidence, matters pertaining to courts procedure and so on, but they have got limited competence so far of our substantive Civil Law or other French based laws are concerned and in fact, we did try to develop a Mauritian Legal System, but unfortunately we know what has

happened. At some other point in time, I am going to come back to that. Even season lawyers are not fully aware of certain new topics, for example, we take cyber law. My friend did mention, international law, we have got intellectual property law. Even simple issues like marriage by person of the same sex. These are issues which are coming more pertinent these days and we need continuous training and I think there is unanimity about it. But before coming to the Bill itself, I would like to ask a question to the hon. Minister and, in fact, the hon. Minister Mohamed just alluded to that when he was talking. Do we have a plan for the legal profession and for legal training as a whole?

The hon. Attorney-General has been quite active. He came with a series of amendments. Even today we had amendments to the Civil Status Act. Some time back to the Civil Code, about the preliminary enquiry also we had some amendments, vexatious litigant was another issue which was taken. Even his predecessor dealt with law firms, international arbitration, even the Chief Justice came with a family division, the commercial division.

**Mr Speaker:** No, I am sorry.

*(Interruptions)*

Like him, I have to apply the rules. I think the Deputy Speaker is travelling a little bit outside. He is talking about the Law Reform, but we are dealing with a Bill about the Institute for Judicial and Legal Studies, not about the Law Reform.

**Mr Roopun:** I am grateful to the Chair for having drawn my attention, but this issue was raised that it is part of a whole reform and I am just questioning myself whether we are having amendments being brought piecemeal and if it is so...

**Mr Speaker:** No, it is reform about the Judicial and Legal Studies Bill. It is not about reform of the law. That is the point.

**Mr Roopun:** Okay, I will come to another aspect. You know, Mr Speaker, Sir, generally I am not proponent of creating new bodies. May I ask a first question? Is it absolutely necessary to create a new institute? You know it is not only create burden on the Exchequer, but the hon. Minister did make mention of it. We had the Council of Legal Education and for 25 years, there was no office.

Today, I am glad that the hon. Minister did think about it and we are going to have an office at the MBC. It is good, but today we have a Bar Association, a Law Society, and a Chamber of Notaries. We have a Law Reform Commission. We have the Supreme Court as an institution and we know that the Supreme Court has got supervisory power over all Courts. We have got a Law Department at the University of Mauritius. We have got the Council of Legal Education, revamped or whatever, but we are going to have another institution. Do we need a further institute to add to this long list? I want to be convinced about that, because we are paying quite a substantial amount to the Law Society, to the Bar Council, to the Chamber of Notaries and for what purpose? I am asking myself the question and even if we are going to have an institute, is it going to work in parallel with the different associations or together? Won't there be certain duplicity? This is my qualm and I want to be enlightened on it and even I won't barge into too many other issues. I will leave it for debate on the Law Practitioners Bill, but I wanted to take two issues.

First of all, under section 4(a), I see as objective "generally in the delivery of Court services", I am asking myself: are we going to train Police Prosecutors? Are we going to train Court Clerks? Are we going to train Attorney's clerk because you know today we don't have that pool of clerks having the necessary proficiency and there is also no system by which they are being trained. I wanted to ask the hon. Minister about this issue and also under section 4, I tend to agree with hon. Baloomoody and I am going to ask the same question, that is, whether it is not usurping the role of the judiciary. We are going to create a body where out of 11 members, we are going to have only three members from the judiciary and this institute is going to give directives. I am not at ease with that provision and I must say also that I don't find how it fits within the institute which is being created.

Another issue on which I wanted to lay emphasis as regards the functions. I want to be enlightened as to whether if we create this institute, should we not give a wider role to it. We have been teaching law for 25 years, doing LLB courses, and I think that we should move further. I am glad that Minister Jeetah will intervene later on. I think that we should be more ambitious. Moving from LLB courses, we should try to do LLM courses; not stop with mere training, seminars and so on, but try to capture a market for legal studies.

We have got a specific position with regard to our legal system. We have got a French base and an English base. Here, in the region, we do have a good reputation as being a democratic country, a stable country. Perhaps, hon. Members do not know, but there are lawyers trained in Mauritius presently working all over Africa. The Attorney General of Seychelles has been trained here. We can also dispense courses for lawyers from Réunion Island on specific issues.

We know now that the law is becoming more treaty-based. An international criminal court, another court with regard to acts of piracy is going to be set up here. We've got international trade. This is an issue on which I think we should ponder, and there is a potential which we can develop. International arbitration is in, but what about the training being offered? I, myself, and I know many Members of the profession also, would be interested to have the proper training. This is on what I want the Minister to react; not only seminars and so on, but also proper structured training, so that we can move forward.

These are my comments, Mr Speaker, Sir.

Thank you.

(6.52 p.m.)

**Mr S. Obeegadoo (Third Member for Curepipe & Midlands):** I was tempted for a minute, Mr Speaker, Sir, to begin my speech by saying 'thank God for the MSM', but that could be misinterpreted...

*(Interruptions)*

Suffice it to say that I am glad that there is *une culture du débat* within the ranks of the majority.

*(Interruptions)*

**Mr Speaker:** Some order now, please!

*(Interruptions)*

Order!

**Mr Obeegadoo:** Mr Speaker, I must say that, on this Bill, on the fundamental issue of providing continuous legal education, nobody can disagree. But when I heard the hon. Attorney General presenting the Bill, I saw that some of my worst fears concerning this Bill

seemed to be confirmed, to the effect that there is a confused perspective of government in presenting this Bill, which is why hon. Baloomoody raised a certain number of questions that have been echoed by hon. Roopun and also experienced members of the legal profession. I don't want to repeat, but I didn't anticipate hon. Roopun's intervention.

My starting point is precisely that there exist a number of institutions already that have specific responsibilities, top of which is the Supreme Court which lays down the Rules. Everybody agrees that is the role - exclusive role should I say - of the Supreme Court. We have a Council of Legal Education that provides vocational training. Before we come to the Council of Legal Education, there are universities, amongst which there is one public university, namely the University of Mauritius, which has a faculty of Law that trains prospective lawyers by offering an LLB - a degree in law. I am not too sure at the present time whether it offers postgraduate training in law. If it does, that will be where - I think hon. Mohamed is no longer here, which is a pity....

**Mr Speaker:** There is no need...

**Mr Obeegadoo:** No, but a culture of debate is that hon. Balamoody was here to listen to him responding, and one would have expected that he would be here; but that is a question of etiquette I suppose. My point was: if you want to train specialists, Mr Speaker, Sir, the academic training is provided by universities. There is the University of Mauritius, a well-respected public institution. At this point in time, the other public university does not provide tutoring in law, and the private institutions merely offer courses leading to foreign qualifications. So, we have the University of Mauritius providing the academic training; the Council of Legal Education providing the vocational training; the Supreme Court makes the rules; the Bar Council and the Law Society are the professional bodies representing the interest of the profession, and the Law Reform Commission comes with suggestions to review laws and reforms. So, we have a host of institutions in existence.

This Bill - the proposed creation of an institute - is supposed to be in line with the recommendations of the Presidential Commission set up in 1997, when you and I, Mr Speaker, Sir, were in government. This is the famous Mackay report which, although 16-17 years have passed, remains a constant reference, whatever be the government. It seems to serve as a guide, as a beacon when we want to improve our judicial system, inasmuch as many of its

recommendations have still not been implemented and served as guide. The Explanatory Memorandum to this Bill refers to the Mackay Commission, and says that the proposal is in line with the recommendations of the Mackay Commission. My initial fear was the same as that of hon. Roopun. Are we going to create yet another institution, waste public money to produce the same results? But then I thought that, if Mackay suggested this, then he must have a point, and I went back to the Mackay report. What do we find, Sir? We find, in chapter 13, a section devoted to 'Continuing Legal Education', which makes the case - which nobody contests - that there is an urgent need for continuing legal education because, in the legal, in the field of law, as in all other areas of human knowledge, no longer is it the case that you can go to school or university, then you have done it, you have your diploma, and that is valid for the rest of your life. Lifelong learning is the order of the day. So, the Mackay report speaks of the need for continuing legal education, and it has this to say. I quote -

'We think it highly desirable that the Council of Legal Education, in conjunction with the Judicial Studies Board, which we later recommend, should be set up, and the University of Mauritius should organise courses for continuing education of lawyers in legal developments from time to time.'

So, the task of providing continuing legal education is left to the CLE, to this Judicial Studies Board and the University of Mauritius. The Mackay report has this to say about continuing legal education.

Then, it goes on in chapter 14 to discuss the Judicial Studies Board. It makes the point that we all have made here; that -

'14.1 At present there is no formal arrangement for studies by the Judiciary following on their appointment (...)'

Hence, the suggestion, since long, on both sides - I think hon. Varma referred to it, as well as hon. Balamoody and many of us here for years - that we should provide training to our Magistrates. The Mackay Report goes on to say therefore that one should set up a Board. There is no reference to an Institute, only a Board. It proposes that this Board should be provided with a suitable budget and a Secretary. Then, it says the Council of Legal Education, the Law Faculty of the University, the Law Reform Commission, all have need for high quality legal resources in the carrying out of their functions. In order that this is done economically - we are all concerned

with judicious use of public monies - in the interest of the Republic, we consider that care should be taken to integrate the available resources as fully as possible. Mackay does not say: 'go for further institution building'. Mackay does not say: 'create an Institute with a Director and staff'. Mackay says: 'integrate to use resources economically'. I think that is the fundamental issue here, Mr Speaker, Sir. Mackay goes on to speak about including officers of the State Law Office as the Bill does. Well done! It speaks of the need to provide support, senior members of the Judiciary to provide support to junior members. Very good! I am sure the hon. Attorney General may have this in mind, but the key point is the integration of existing resources. What does the Bill do? The Bill lays down the objectives, and funny it refers to standards. It says that one of the objects of the Bill is to ensure the maintenance of standards in the Judiciary among Law Practitioners and Legal Officers. So, this Institute now is entrusted with the task of maintaining standards. That's why I thought I was again mistaken, this must be said somewhere in Mackay, since Mackay is the authority for this Bill according to the Memorandum. So, I went back to Mackay Report and checked the standards and there was nothing. Mackay says Council of Legal Education provides the training which sets the basis for the standards. Does it not ethics? The Bar Association and the Law Society should now be statutory bodies. The Bar Association already was at the time of Mackay, it proposed that the Law society also be – I don't know whether that has been done, Mr Speaker, Sir.

*(Interruptions)*

**Mr Speaker:** It has.

**Mr Obeegadoo:** Maybe it has. If it has, that is fortunate. Then, it says create a Complaints Committee. It does not say: 'create an institute which will regulate standards in the profession'. It says: 'we can create a Complaints Committee'. So, hon. Mohamed, it would seem that this Bill goes far astray from what, in its wisdom, the Mackay Report, the Mackay Commission recommended, enforcing standards, risk of overlapping. I have great fears, Sir!

The Bill also speaks about international exchanges. I am very sorry, all that Mackay envisaged was that Magistrates would, once in a while, go abroad to attend conferences, that somebody can be invited over to give a lecture, but the business of building intellectual exchanges is that of the University of Mauritius, which cannot conceivably limit its role to

offering courses for LLB students, it should be a centre of intellectual activity, our sole faculty of law in the Republic.

The object speaks about making recommendations to the Chief Justice for the issue of guidelines. Hon. Baloomoody mentioned this and I won't repeat it. How does this Institute come about with the role now of recommending, making of guidelines to the Chief Justice? This has nothing to do with the Mackay Report; I don't know where the idea comes from. So, the objects raise very serious doubts in my mind as to the appropriateness of creating an Institute.

Hon. Mohamed spoke of specialists, and again, I went back to the Mackay Report and I said, maybe, it recommended likewise; there was no question about it. Mackay Report does not; Mackay says you need specialists and specialists trained at university; you do a LLM, you do a PhD and then once you have done your vocational, you can associate in Chambers, Law Firms. That is what Mackay Report speaks about. You don't create an Institute which is, at the same time, *une Ecole de Magistrature*, which is, at the same time, a college of continuing education; which ensures standards, maintenance of standards; which gives courses to the Police. In the old days, when hon. Justice Balancy gave courses to public prosecutors of which we all know, this was done at the invitation of the Police; there was no need for an Institute for that. So, specialists are not going to be created now by this Institute. This Institute will not provide training in International Tax Law, Intellectual Property Law. Surely, this is the business of University of Mauritius for which we all have tremendous respect. Do we not hon. Minister for higher education?

Now we turn to the functions of this Bill. It should conduct or supervise courses for the continuing training. Of course, we agree that it should devise and conduct Continuing Professional Development Programmes. But then, it is now to involve in the 'identify areas of need and interest where specialist knowledge is required' - fair enough, it advises! – 'and promote and coordinate research and development'. Now we might as well close down the Law Faculty of the University of Mauritius. If this Institute is going to do research, then what is the role of a University? The role of a University surely is not just to transmit existing knowledge, but to create new knowledge, to generate new knowledge, to add value to the existing body of knowledge. Research and development are a core function of any university, and I am sure hon. Dr. Jeetah will not disagree. Here, we are entrusting to this new Institute to be the role of

promoting and coordinating - let us forget about the MRC - research and development. Now surely, Mr Speaker, Sir, with all due respect, somewhere somebody must be very confused. Of course, it goes on to speak about advising and compliance with amendments to guidelines for judicial conduct. My very learned colleague, hon. Baloomoody, has extensively dealt with this and I will not repeat: 'formulate, adapt and monitor best practices in the administration of justice'. Mr Speaker, Sir, it will not only advise, it will formulate best practices, adapt best practices and monitor best practices. What is the role of the Supreme Court? What is the role of the Bar Association or of the Law Society? I no longer understand anything, Mr Speaker, Sir. So, I think there are serious problems with this Bill and the problem is overlapping, duplication, but then also wastage of resources. Mackay Report envisaged the Board.

Mr Speaker, Sir, number of members of the Judiciary, somebody from among the Barristers, somebody from among the Solicitors, a Board with a Secretary to expedite day to day business. Here, we have an Institute with, of course, a Director, with a handsome salary, with the usual perks; the PRB will decide upon this, a duty-free car, all the facilities attached to the post of a Director. A Director needs a Secretary, needs attendance. A Director cannot direct nobody; it will need staff. How much will this cost us? I am not the Minister of Finance, but I share, we all share, the same concerns about use of public resources. Is it cost-effective when we have all the institutions - that I mentioned and that hon. Roopun mentioned - to create yet another Body? We have serious qualms on this, Mr Speaker, Sir. Is it really necessary? Of course, the Bill says it will draw staff from among public servants. You have been a Minister, I have been a Minister; many of us here are or have been Ministers. No Ministry, I believe, surrenders staff for this institute. Where do you get the staff? It takes time and you go to the Head of Civil Service and then, in the meantime, you recruit on contract and you pay handsome salaries to recruit people on contract and the contracts get extended over and over again. So, how much will this cost?

Mr Speaker, Sir, the gist of Mackay's message, 16 years ago was that available resources are inadequate to meet the needs of continuing education. Mackay says: let us ensure the optimal use of existing resources in the interest of cost-efficiency, and then, marginally, we add on additional resources and a secretary for a Board, never creation of an institute.

The hon. Minister of higher education is doing his best to raise the profile of the higher education sector. We have many policy agreements, but I agree that his intentions are fine. He

wants to raise the profile of the higher education sector. We need to raise the profile of this law faculty at the University of Mauritius, give it staff, give it resources, let it not only teach but go further LLM courses for specialists, conduct research and there is so much research to be undertaken in the area of law. The only research we have is when our local LLB students do their *memoires*, their extended essay, that's the type of research we have mostly. A few retired senior counsels do write from time to time. I note Mr Marc Hein has just published the new edition of his review but these are rare and far between. It is the university that must stimulate intellectual production in the area of the law and the university must interact with members of the profession. There is too large a gap between the University of Mauritius, the academics there and practitioners in the field. This should be the role of the university.

So, to sum up, Mr Speaker, Sir, we agree, we are in fundamental agreement, no doubt about that. There is a need for continuing legal education and any initiative from Government to do so is most welcome. However, the way Government today is going about this, creating an institute with all possible functions that exist under the sky, this path is laden with serious risks and, as a patriot, as a responsible Member of Parliament concerned with cost-effectiveness, institutional coherence and, most importantly, judicious use of public monies, we have serious and grave reservations about the manner of procedure. 'Yes' to lifelong education, but 'no' to wastage of public funds. I rest my case now.

(7.15 p.m.)

**The Minister of Tertiary Education, Science, Research and Technology (Dr. R. Jeetah):** Mr Speaker, Sir, I must, at the very outset, congratulate the Attorney General to have come up with the Institute for Judicial and Legal Studies Bill. Here again, listening to hon. Obeegadoo, I must pay tribute to the hon. Prime Minister for proving once again that he is a man of vision and wisdom to have chart the way forward for a modern, efficient and effective judiciary and legal system which will undoubtedly become a reference in this part of the world and beyond in years to come.

Allow me, Mr Speaker, Sir, to respond to hon. Obeegadoo. First, I am quite pleased to note that the hon. Member is in agreement with this piece of legislation. But he seems to think that there is some confusion on this part of the House. I will come back to him at a later stage.

First, I have a question that I would like to ask. I was trying to figure out how many lawyers who are sitting, here, in this House and I counted six, plus yourself, Mr Speaker, Sir, seven. I had a quick word with a former Senior Magistrate as I wanted to know if today one is to become a Magistrate in this country, where would he or she be able to get some form of training.

*(Interruptions)*

Does it exist at this point in time? No, Sir. I have been informed - maybe you know this field better than me - that in the past, even Barristers coming from very prestigious universities, from England or some other places, had to take private tuition from Attorneys to understand how the legal system operates in this country. My understanding here is that there is a big gap in the training process and the Attorney General is right to come up with an institution which will not be a waste of public money. Listening to hon. Obeegadoo, it reminds me of the comments that were made when Sir Seewoosagur Ramgoolam said that we needed to create a university in Mauritius. What was not said then? That it was a total waste of funds and it did not have any future! And today, this very institution, the University of Mauritius, of which hon. Obeegadoo has a lot of respect for, has a student population of 11,000 and today it is ranked 19<sup>th</sup> in this part of the world and the target now is to be among the top 10 and hopefully, at a later stage, a bit higher in the world classification of universities.

I listened to hon. Baloomoody. He had a number of questions, but I did not hear any suggestion or proposition, I must say.

With regard to research, Mr Speaker, Sir, I do not see any problem if there is yet another institution which conducts research in a new field to bring up research to the level that they need. The University of Mauritius has been doing a good job. I agree with the hon. Member, but the University of Mauritius has within its responsibility to teach LLBs programmes and it is also working on an LLM programme in collaboration with a foreign university, and in time it will also provide for PhDs. I do not have any criticism for the standard and level the university has reached up to now. The simple reason is that today we have a faculty of law and management where we have a department of law which is totally serviced by local academics. We have to start to walk first, then we can run. I think, in time, the University of Mauritius would reach a level where it would be able to conduct quality of research that it will have to conduct.

Mr Speaker, Sir, we all agree that time has come to look globally at the field of legal education and at the development of the legal profession in Mauritius. There are a number of issues which have to be addressed such as professional development, as I mentioned earlier on, teaching and training, research and public debates for the benefit and interest of the legal profession and the community. Here, we need to make the difference between a very able lawyer and a good teacher. We have to be able to make the difference. Good lawyers do not necessarily make good teachers, and this institute, here, will provide the pedagogical aspect of the training. The legal profession is developing very fast in an ever changing world. As the world goes more and more complex, the legal professions require new concepts, competencies and skills. More than ever, specialisation in different fields is becoming a necessity. It is, therefore, high time that a proper institute be set up to respond to the needs of the profession and the changing world. Once again, I would like to congratulate the Attorney General for coming up with this Bill.

Mr Speaker, Sir, may I remind the House that the setting up of this institute is in line with several of the provisions of the Government Programme, namely - and I would like to quote two sections, first section 184 -

“Government will pursue its policy to transform Mauritius into a Centre of Excellence in Higher Education in the region.”

And section 185 -

“In order to enable the attainment of the objectives set to achieve the development of a skilled, versatile and competent workforce and to promote social mobility, Government will strive to reach an objective of one graduate per family.”

Moreover, as the Explanatory Memorandum of the Bill states, the establishment of a Mauritian Institute for Judicial and Legal Studies Bill is in line with the recommendation of the Presidential Commission which was set up - as was mentioned earlier on - in 1997 with a view to examine and report upon the structure and operation of our judicial system and legal profession. The objectives of the Institute are clear and focused. They make provision for identifying the needs of the profession, to promote best practices and improve the administration of justice. The functions of the Institute for Judicial and Legal Studies are many: it will conduct seminars and

workshops for the continuing training of judicial and legal officers and conduct continuing professional development programmes for law practitioners. The Institute will identify areas of needs and interests where specialised knowledge is required. It will also promote and coordinate research and development in the judicial and legal sectors and establish areas of cooperation and linkages with local, regional and international bodies in the judicial and legal sectors. All these will help the Institute to adapt and monitor best practices in the administration of justice.

Mr Speaker, Sir, there is a need in the Mauritian Judiciary system for this new institution: to encourage a culture of lifelong learning for the legal profession. This is a practice in most democratic countries where they have institutes for judicial and legal studies within the universities; a good example is the University of London. Over the years, these institutes have emerged as centres of excellence. They promote proficiency and ensure the maintenance and standards in the Judiciary and among law practitioners and legal officers. For the benefit of my friend, hon. Obeegadoo, I will just depart from law for a moment. We are in the process of setting up an IIT like institution in Mauritius. Then somebody will come and say: what is the point of having an IIT when we have a Faculty of Engineering? This institution will offer specialized training in Engineering and Technology and will have a very clear mandate. While the University of Mauritius and other universities overseas do provide for courses at the level of LLB or equivalent, this Institute will complement the work of the university by providing the much needed practical and vocational skills in the legal sector. It will contribute to the updating of knowledge and competencies and enrich the skills of the legal professionals at all levels. We expect that all officers in the Judiciary from legal officers to notaries, attorneys and barristers will benefit from practical courses that this Institute will provide. The Government will ensure that the Institute for judicial and legal studies will be a beacon of excellence devoted to teaching, training and research. It will also address the practical, legal, social and technical challenges facing the Judges and courts in the 21<sup>st</sup> century.

Mr Speaker, Sir, I am confident that the Institute will also provide a high level forum for policy discussions between Judges, academics and policy makers to improve the Judiciary. As an institution set up to promote capacity building in the sector, the Institute will also provide more understanding about the judicial process, understanding of the Judiciary and will cater for professional development, encouraging cooperation with other foreign institutes, will share expertise, knowledge and innovative and comparative legal research on key issues.

The Judiciary is one of the pillars of separation of powers within our system of government. Therefore, it has a vital role to play in the development of the country, particularly in the maintenance of peace, security and justice. This Institute will have an important role to play in that process by enhancing the quality of the professionals to service the judicial system. On the other hand, the tertiary sector will become more enriched with this initiative. We have taken similar action in the medical field with the setting up of medical schools to increase the number of professionals and specialists. The legal world is expanding; new legal fields are emerging and there is this urgent need for the legal professionals to team up and collaborate with professionals in other fields such as medicine, international affairs, sociology, biotechnology and many others.

There has never been such a time when more professionalisation and research is required in any field to keep up with modernisation and globalisation. I can assure the Attorney General that the regulatory and quality assurance framework put in place by the Tertiary Education Commission will be of help to the Institute and to the Council of Legal Education. It is my fervent wish that research will form an integral part of the activities of the Institute along with the University of Mauritius and other institutions offering law degrees. This will be in line with the overall vision of my Ministry: to develop a culture of research at the universities and other institutions. We all acknowledge that there is a dearth of research and we have not been able yet to have our own journals and even when we have had a few, they are not published regularly. Research in the judicial and legal sectors in Mauritius is also lagging behind. It is time now or never for our Judiciary to promote research, publications, workshops and seminars for the lifelong training of judicial and legal officers in Mauritius. I am happy that this Bill makes provision and opportunities for research. This Institute will boost up research and ensure the cross flow of information between the Institute and the legal profession and also with the stakeholders in the region and beyond.

Mr Speaker, Sir, I may also add that my Ministry is presently in the process of setting up several university campuses around the country and this Institute will be able to use these premises to decentralise and democratise legal education. Furthermore, the setting up of the Institute by the Attorney General will add to the efforts of my Ministry in this sector. There is clearly a demand for continuous legal education in Mauritius. This Institute has come at the right time to fill the gap. I am confident that it will contribute to attract the best brains to enter

the legal profession and provide opportunities for continuous training and research. There is no doubt that this Bill and other Bills regarding legal education will modernise our institutions and equip the Judiciary to play a leading role in the region.

To conclude, Mr Speaker, Sir, this Bill will take care of the provision of pedagogical skills and training of legal professionals. It will promote standardisation and consistency, provide justice and legal services, promote excellence in research and international exchanges. In time, it would position our great little country as the future legal and judicial leader of Africa.

Thank you, Mr Speaker, Sir.

(7.27 p.m.)

**Mr R. Uteem (Second Member for Port Louis South and Port Louis Central):** Mr Speaker, Sir, the object of the Bill was to set up an Institute for judicial and legal studies for the purpose of promoting proficiency and ensuring the maintenance of standard in the Judiciary and among law practitioners. However, listening to the various Members of this House who have intervened, we know now that this Bill is going much further than what was set out in the objective. We have heard hon. Baloomoody go clause by clause on each object and each power to draw the attention of the House to the risk of overlapping between this institution and existing ones. We have heard hon. Roopun from the other side even raise a question as to whether there is a need at all to have an Institute for judicial and legal studies when we already have this array of institutions.

Finally, we have heard hon. Obeegadoo come and pull down all the arguments that this Bill is trying to implement as far as the recommendations of the Mackay report is concerned, because it is not. It is going much beyond what had been recommended by the Mackay report. Now we are to ponder what exactly will this Institute do and where will it stand in the array of institutions that are involved in legal training. We already have the University of Mauritius and Tertiary Education Institution which would provide the basic law degree. We already have a Council of Legal Education that sets up the exams for the free members of the legal profession - Barristers, Solicitors, Attorneys and Notaries. Where will this institution now fit? If it is going to provide continuous education after the Council has done its job and the Barristers, the solicitors and the Notaries have been admitted, to provide them with guidance and updates, yes, fair enough, this is most welcome, but is this institution going to do more?

We have heard the Attorney General talked about *l'École de Magistrature*. *L'École de Magistrature* in France, Mr Speaker, Sir, trains Magistrates. *L'École de Magistrature* will take the role of what is now being done by the Council of Legal Education. *L'École de Magistrature* will identify people who wish to join the bench, instead of sitting for the exams set up by the CLE for Barristers, Attorneys, Solicitors, they will go to this *École de Magistrature* to get a formation, to get a professional qualification and, then, they will be admitted to become a Magistrate. Is this what this institute going to do? This is the clarification that we want from this side of the House. We want to know exactly because we don't want to go forward with competition between different institutions, each trying to defend its own turf.

The institute is going to be responsible for Continuous Legal Education, fair enough. Is it going to be the sole institute responsible to approve Continuous Legal Education Programme? Is it going to replace the MQA? Will its courses be IVTB approved? Will anyone who wants to come with a course has to get the permission of the institute? Is that what the institution going to do? Is it going now to sit as the main accreditation body? Right now, we need to go through the MQA process. Do we have to go through the institute to provide further education?

The institute is going to come up with research works. Is it now going to compete against the Law Reform Commission? Is it going to compete against the University of Mauritius? These are all the issues that need to be tackled. When I look at the composition of the institution itself, Mr Speaker, Sir, it is almost identical to the composition of the Council of the legal education except that now, we will be able to have more than three members of the Judiciary, who will sit on that institution, whereas for the Council of legal education, as has been circulated to the draft amendment to the Law Practitioners Act, is going to be identical except for the appointment of three Judiciary.

Why do we need to have two institutions? Why do we need to have a Council of Education and an institute? Why not merge them? Why do we not benefit from economies of scale? That is what hon. Obeegadoo meant when he was talking about wastage of funds. He was not attacking the University of Mauritius or any institutions. He was just asking why we duplicate resources. Why don't we have everything under one roof and then benefit from economies of scale?

Mr Speaker, Sir, we all agree to train our Judges, but this idea has not always been accepted. I will quote from what Lord Devlin in England, a great judge, had to say when he was asked whether English Judges should undergo specialised training. He said and I quote –

“I also regard with a degree of indifference verging on contempt the criticism of judges that demands for them a type of training which would render them more like assessors or expert witnesses than judges of fact and law. (...). The judge's function is to listen intelligently and patiently to evidence and argument (...) to evaluate the reliability and relevance of oral testimony, (...), and finally to reach a conclusion based on an accurate knowledge of law and practice. (...) The capacity of being a judge is acquired in the course of practising the law (...).

These words were stated in a context where in England there was an old way of appointing judiciary. Members of the Bar were invited to the bench and they did need training and they were supposed to be already specialised in their fields. For example, a Chancery Lawyer would be invited to join the Queen's Bench Division of the Chancery. But this is not the common view of most practitioners, this view is outdated. The justification for providing education to the judiciary and to the members of the legal profession is probably best summed up by what the Committee on the Review of the Legal Study in Mauritius, under the Chairmanship of Justice, Mr Rajsoomer Lallah in 1983 stated and I quote –

“Mauritius is a democracy where the rule of law prevails. The rule of law requires the participation of the legislature, which enacts laws, of the judiciary, which has the duty to administer and apply the law and as important of an independent legal profession which has the duty to enable the citizen to vindicate his rights or to defend himself. This last aspect of the rule of law is too often taken for granted in Mauritius and has tended to minimise the positive obligation of the State to ensure that the appropriate arrangement exists for the proper training of the legal profession to suit the Mauritius context.”

This is what Justice Rajsoomer Lallah, had to say. It is an issue of rule of law. The State has to educate judges and Magistrates because judges and Magistrates have the right and obligation to interpret law and to apply the law. So, it is the responsibility of the State to ensure that the

judges are correctly applying law and that the judges and Magistrates especially are properly trained to apply their brains to the law.

Similarly, the rule of law imposes an obligation on the State to train the lawyers because the lawyers have to render a service to the population. The lawyers have exclusivity before courts to represent the public. So, the public has demand and expectation on lawyers. The public has the right to expect that a Barrister that is going to go to court will be able to indicate his right and that is why it is incumbent on the State, not only to train lawyers and judges, but also to ensure a system of continuous education. It is welcome that this Institution will be providing the framework to allow for continuous education and training of lawyers and judiciary.

Hon. Baloomoody referred to the state of affairs currently, which has no obligation on any members of the profession to carry out any continuous education. The hon. Minister Mohamed stated that the reason for it is going to be included in a subsequent legislation, but, this is not a good reason. There was no reason why we couldn't already in this own legislation integrate the requirement, that either the Chief Justice or this Institution will come up with guidelines to set the number of hours which members of the relevant profession, judiciary, Magistrates will have to follow. That would have been the logical place to see. The Institution will come up with the rules to set out, whether it would be compulsory, how many hours you need to train and this is not done in this Bill before us.

Before resuming my seat, Mr Speaker, Sir, I will like to make one comment on the funding of this institution. We have it from Section 10 of the Bill that there is going to be a general fund and in this fund we will have the amount allocated out of the Consolidated Fund, donations, charges levied by the Board and any other sum, which may lawfully accrue to it.

There is no indication at the moment how big this institution would be and how important its Budget would be. We've heard from the hon. Roopun how the CLI operated for years without having a proper secretariat and a proper office and we know that is was more out of service that judges and the secretary to the judge were making photocopies and helping student out. For the institution to work it has to be properly staffed, properly housed and have a necessary budget and in that context that I am a little bit puzzled by section 12 of the Bill; which provide that the institute may receive donations whether movable or immovable in cash or in kind from such sources as may be approved by the Attorney General on the recommendation of the Board. I

can't understand why would the Attorney General have to approve the donation, why should not the institute be autonomous? That's the University of Mauritius today. If someone wants to make a donation, the Board of Trustees will be able to decide, to accept or reject it. So, why the Attorney General consent required before the institute can receive any donation and whenever there is the Attorney General involved, is there going to be some kind of pressure on the institution because the Attorney General may refuse to give its consent.

To sum up, Mr Speaker, Sir, we are in favour of an institution to carry out continuous education, we think that this Bill, the way it has been drafted is way too wide, giving too many powers to the institution and we hope that the appropriate guidelines will be issued by the institution as soon as possible to really limit and streamline exactly what would be its role. Thank you.

(07.42 p.m.)

**Mr Varma:** Mr Speaker, Sir, well posterity will remember those who have spoken against this Bill and Mr Speaker, Sir, I would have thought that it would be raising above party politics on such an issue. Alas! It has not been the case.

**Mr Baloomoody:** Are we not allowed to debate?

**Mr Speaker:** I will invite the hon. Attorney General not to make such remarks. Order!

**Mr Varma:** But Mr Speaker, Sir, I have to reply to the points which have been raised by the hon. Members; a number of points have been raised. I will take them one by one Mr Speaker, Sir. The hon. Third Member for Constituency No. 1 has said that there will be no obligation for law practitioners to follow the CPD and indeed, Mr Speaker, Sir, I mentioned it in my speech that reference should be made to the Law Practitioners (Amendment) Bill which has already been introduced in the National Assembly. Of course, we are not here to debate on that Bill, but I did make that point clear in my speech that reference should be made to that Bill where there is such an obligation.

Mr Speaker, Sir, the hon. Member also spoke about; we should not mix the '*Ecole de la Magistrature*' in France and the institute for judicial and legal studies. Mr Speaker, Sir, we are at no point in time speaking of any mixture, we have to make a point clear; to date as we are speaking now in this House, we do not have continuous professional development for law

practitioners or legal officers. Today, Mr Speaker, Sir, when we are speaking in this House, we do not have judicial training for prospective Magistrates and judges. This is precisely what this institute will do. Mr Speaker, Sir, the '*Ecole de la Magistrature*', the judicial studies Board, we have made reference to them and they have agreed to extend their help to set up the institute. As I stated in my speech, the '*Ecole de la Magistrature*' is sending two persons in the months to come to help us to set up the institute. We are speaking about the precise functions of the institute and this should be understood by one and all.

Mr Speaker, Sir, the hon. Third Member for Constituency No. 1 spoke about court services, whether there will be a time frame for the delivery of judgments and other things as regards the legal sector. Mr Speaker, Sir, in my speech I did make mention that when there will be compulsory judicial training. The prospective judicial officers will be trained about case management and what does case management mean? That is the hearing of cases and delivering of judgments. We can't put that in the law that the Judge or the Magistrate should deliver a judgment within a time frame but, of course, the proper training can be given, as far as case management is concerned. Mr Speaker, Sir, I've heard the hon. Members of the Opposition speaking about recommendations being made for sentencing guidelines and award of damages. Mr Speaker, Sir, at no point in time will this institute formulate guidelines or even give guidelines as to the award of damages. What it will do, Mr Speaker, Sir, or rather what it can do is to make recommendations to the hon. Chief Justice and I've heard the hon. Members speaking about duplicity of work; they have made reference to the United Kingdom. Are they aware that in the United Kingdom there is a specific institution called the Sentencing Guideline Institute? It exists in the UK! Mr Speaker, Sir, as far as, guidelines for judicial conduct is concerned, I don't know whether I have heard the hon. Third Member for Constituency No. 1 right; he said that there are no guidelines for judicial conduct, just go on the website of the Supreme Court Mr Speaker, Sir. Guidelines for judicial conduct are on the website of the Supreme Court.

Mr Speaker, Sir, as regards the public and Police officers who will be receiving training, we have been practising and we know that officers from the Ministry of Labour, from the Ministry of Fisheries, from Local Authorities, officers from the Ministry of Social Security, Police Prosecutors, have to conduct cases in Court and do they receive training Mr Speaker, Sir? They don't! Today we are bringing before this august Assembly, before this House a piece of

legislation that will give training to these people and this is being opposed Mr Speaker, Sir. I can't understand the logic behind it!

Mr Speaker, Sir, it is good to find the difference between what the hon. Members of the Opposition have said; hon. Baloomoody and hon. Uteem have been in favour of the setting up of the institute and hon. Obeegadoo has been against. There is a clear difference of Opposition between the Members of the Opposition. Mr Speaker, Sir, our Government Programme 2010-2015 makes clear mention of the setting up of the institute for judicial and legal studies, the budget which was voted in this House, Mr Speaker, Sir, makes specific reference to that. The hon. vice Prime Minister mentioned that in his Budget Speech that provision has been made for the setting up of such an institute because we have to put emphasis on the rule of law, judicial training and continuous professional development for law practitioners and legal officers.

Mr Speaker, Sir, I've heard hon. Members speak about incoherence between various institutions. Each and every institution that we have in this country, as far as the legal sector is concerned, is all entrusted with a specific duty. The Bar Council has its duty, the law society, the Chamber of Notaries, the Law Reform Commission. We have got the Council for Legal Education; each one has got its own function, Mr Speaker, Sir. But did we have an institution, Mr Speaker, Sir, to cater for continuous professional development and judicial training? No, Mr Speaker, Sir. That is why we had to come up with this Bill, to set up an Institute for Judicial and Legal Studies.

Mr Speaker, Sir, in fact, when the hon. Members of the Opposition were debating, I just thought they were saying that we had gone beyond the ambit of what Lord Mackay had recommended. In fact, Mr Speaker, Sir, Sir Hamid Moollan, the Chairperson of the Bar Council, congratulated me. As we are all aware, he was a member of that Commission which came up with the report. He said 'you have gone beyond Mackay; you have done a very good job'. As I mentioned in my speech, Mr Speaker, Sir, this Bill has been well ventilated. This Bill has received recommendations from all the stakeholders. I mentioned the Bar Council, the Law Society, *La Chambre des Notaires*, the Office of the DPP and the Judiciary.

Mr Speaker, Sir, I heard the hon. Members of the Opposition speaking about whether there is encroachment on the judicial functions.

*(Interruptions)*

**Mr Speaker:** Let the Minister reply!

**Mr Varma:** Mr Speaker, Sir, this Bill has gone to the Judiciary. This Bill has received representations from the hon. Chief Justice. This Bill has been accepted by the Judiciary and by all the stakeholders in the legal sector.

Mr Speaker, Sir, I come now to what hon. Obeegadoo has said, namely whether this institution will provide standard in the Judiciary and the legal profession. The functions of the Institute itself will increase the standard in the profession and in the judicial sector. It's automatic, Mr Speaker, Sir! When we are speaking about continuous professional development and judicial training, we are, in fact, moving towards enhancing the level of the legal sector. This is what we are doing to raise the standards.

Mr Speaker, Sir, the hon. Third Member for Constituency No. 17 said that there would be no training in specialised areas. What does CPD mean? CPD means that we should keep abreast with the latest developments in the law, as the hon. Minister of Labour, Industrial Relations and Employment and the hon. Minister of Tertiary Education, Science, Research and Technology stated. If there is a need for specialised courses in International Taxation, in Arbitration, they will be dispensed by this Institute, and law practitioners and legal officers will go and attend seminars. They will know about these new areas of the law. What prohibits the Institute, Mr Speaker, Sir, to conduct these courses? Hon. Obeegadoo also asked why the University of Mauritius does not conduct such courses. Mr Speaker, Sir, the University of Mauritius can! If we look at the functions of the Institute, at clause 5 (a), it is stated that the Institute can -

“conduct or supervise courses, seminars or workshops for the continuing training of judicial and legal officers;”

Mr Speaker, Sir, this can be possible.

Mr Speaker, Sir, the hon. Second Member for Constituency No. 2 spoke again about the risk of overlapping, to which I have already replied. But, I would like to know why they have not come up with concrete examples! Where is the overlapping, Mr Speaker, Sir? The hon. Second Member for Constituency No. 2 said that the *École de la Magistrature* should take up the role of the CLE. Mr Speaker, Sir, is that not knowing the role of the CLE? What is the CLE doing now? It is conducting courses and examinations for prospective law practitioners! It is

not conducting courses for prospective judicial officers; it is not conducting CPD. He even went further and said whether these courses should be MQA or IVTB approved. Can you imagine that? This is an insult to the legal profession, Mr Speaker, Sir; I am sorry to say that. Whether courses for prospective judicial officers, CPD for law practitioners should be MQA or IVTB approved, Mr Speaker, Sir!

Mr Speaker, Sir, I think I have replied to almost all the matters which have been raised by the hon. Members of this House and I, again, commend the Bill to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

### COMMITTEE STAGE

*(Mr Speaker in the Chair)*

### THE INSTITUTE FOR JUDICIAL AND LEGAL STUDIES BILL

**(NO. IX OF 2011)**

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

*Clause 2 (Interpretation)*

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

**Mr Varma:** Mr Chairperson, I move for the following amendment -

“in clause 2 -

- (i) by deleting the definition of “Continuing Professional Development Programme” and replacing it by the following definition -

“Continuing Professional Development Programme” means such Programme as may be devised, organised and conducted by the Institute for each of the 3 branches of the legal profession with a view to broadening the knowledge of law practitioners and legal officers, keeping them abreast of developments in the law, encouraging them to share experiences and enhancing their professional skills;

- (ii) by deleting the definition of “Council”;
- (iii) by deleting the definition of “legal officer” and replacing it by the following definition -

“legal officer” means an officer who holds an office specified in the Schedule and includes the holder of the public office of Chief Legal Secretary, Legal Secretary or Assistant Legal Secretary at the Attorney General’s Office;”

*Amendment agreed to.*

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

*Clauses 3 to 6 ordered to stand part of the Bill.*

*Clause 7 (The Board)*

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

**Mr Varma:** Mr Chairperson, I move for the following amendment -

“in clause 7 -

- (i) in subclause (3)(b), by deleting the words “after consultation with” and replacing them by the words “on the recommendation of”;
- (ii) in subclause (4)(a)(ii), by adding the words “for not more than one further term of 3 years”;”

*Amendment agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clauses 8 to 16 ordered to stand part of the Bill.*

*Clause 17 (Regulations)*

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

**Mr Varma:** Mr Chairperson, I move for the following amendment -

“in clause 17, in subclause (1), to delete the words “Attorney General” and replace them by the words “Chief Justice”;”

*Amendment agreed to.*

*Clause 17, as amended, ordered to stand part of the Bill.*

*Clause 18 ordered to stand part of the Bill.*

*The Schedule (as proposed) read a second time.*

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

**Mr Varma:** Mr Chairperson, I move to add the following Schedule -

## **SCHEDULE**

[Section 2]

### **Attorney-General’s Office**

Solicitor-General

Deputy Solicitor-General

Parliamentary Counsel

Assistant Solicitor-General

Assistant Parliamentary Counsel

Principal State Counsel

Senior State Counsel

State Counsel

Chief State Attorney

Deputy Chief State Attorney

Principal State Attorney

Senior State Attorney

State Attorney

### **Office of the Director of Public Prosecutions**

Director of Public Prosecutions

Deputy Director of Public Prosecutions  
Senior Assistant Director of Public Prosecutions  
Assistant Director of Public Prosecutions  
Principal State Counsel  
Senior State Counsel  
State Counsel  
Chief State Attorney  
Deputy Chief State Attorney  
Principal State Attorney  
Senior State Attorney  
State Attorney”

*The Schedule ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

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

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

*Third Reading*

*On motion made and seconded, the Institute for Judicial and Legal Studies Bill (No. IX of 2011) was read the third time and passed.*

## **ADJOURNMENT**

**The Prime Minister:** Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 18 October 2011 at 11.30 a.m.

**The vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval)** rose and seconded.

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

## MATTERS RAISED

### GOKOOL LANE, EAU COULEE - WATER SUPPLY & DRAINS

**Mrs F. Labelle (Third Member for Vacoas & Floreal):** Mr Speaker, Sir, I would like to very quickly bring to the attention of the House two problems that are being faced by the inhabitants of Gokool Lane, la Mairie, Eau Coulée.

Mr Speaker, Sir, since years, the habitants of Gokool Lane have requested that a main water supply be installed throughout Gokool Lane. The fact that the pipe is in another lane causes a lot of inconvenience to the people; not only they don't have a reasonable water pressure, but also since the water supply has to go through the properties of others, it is a source of conflict among neighbours.

The second issue, Mr Speaker, Sir, is that there is no proper drain along the lane which, at some place, is a very abrupt slope. It is not only a source of great inconvenience during rainy periods, but is also a source of danger. Several accidents have occurred there. Fortunately, up to now, they were not too serious, but we don't have to wait for a serious accident to occur. Moreover, there is *une source* in that region which overflows during rainy period. I would most humbly ask the hon. Minister if he could look into the matters to alleviate the suffering of these inhabitants.

Thank you, Mr Speaker, Sir.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, regarding the first issue of water supply, I will convey the message to the authorities concerned and regarding the drains, I will request NDU to do the needful.

### CORPS DE GARDE MOUNTAIN - RESERVOIR

**Ms K. R. Deepalsing (Third Member for Belle Rose & Quatre Bornes):** Mr Speaker, Sir, the issue that I want to raise concerns the hon. Deputy Prime Minister, Minister of Energy and Public Utilities, but I think hon. Minister Bachoo is the interim Minister. I have received a number of representations from the inhabitants of La Source and I am sure that hon. Minister Duval has received the same for the proposal of the construction of a reservoir at the feet of Corps de Garde Mountain, close to the Kovil, so that the recurrent water problems that

inhabitants of La Source get, could be attended to and I would be very grateful if that could be taken into consideration by the substantive Minister. Thank you.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, I will transmit the message to the substantive Minister on his return.

#### **LA CHAPELLE, L'ESPERANCE – DRAINS**

**Mr S. Dayal (Third Member for Quartier Militaire & Moka):** Mr Speaker, Sir, the problems I am going to raise concern the hon. Minister of Public Infrastructure, National Development Unit and Land Transport and Shipping regarding drain problems at La Chapelle, l'Esperance and L'Escalier Branch Road, L'Esperance, Quartier Militaire.

My colleague and I have received many representations regarding the drains that have been constructed and stopped midway, and these are causing many problems. The houses in the neighbourhood get flooded and same thing at l'Escalier Branch Road, that is, near the residence of Mr Beeharry. The water coming from the sugarcane field gets into the premises and floods the houses also.

I am making a request to the hon. Minister to see to it that the needful be done and drains be constructed along with pavements to alleviate the sufferings of the school children who also use this road. Thank you.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, in this Budget we have spent millions and millions of rupees on drains in Constituency No. 8. I will request the hon. Member to be a bit patient. In the forthcoming Budget, we will have a look at it.

#### **MES - HSC EXAMINATION PAPERS - TIMETABLE**

**Mr S. Obeegadoo (Third Member for Curepipe & Midlands):** M. le président, je voudrais m'adresser, à travers vous, l'honorable ministre de l'éducation, concernant la question des examens du *Higher School Certificate (HSC)* et le cas qui a été rapporté d'un jour durant ces examens où il y aura quatre épreuves le même jour. Cela, évidemment, placera les étudiants concernés sous un stress inimaginable, mais aussi si l'on réalise que les examens du *HSC* s'inscrivent dans une logique de compétition féroce pour le système de bourse, de lauréat, ce

serait très injuste pour ceux qui font l'économie, la comptabilité et les mathématiques plutôt qu'une autre combinaison. Donc, cela donne lieu à un débat parmi les parents qui sont très concernés.

J'ai écouté le directeur du MES qui est venu dire : Maurice est le seul pays au monde, client de Cambridge, qui refuse cela ; que ce sont les règles de Cambridge, qu'il faut se conformer à ces règles pour des questions de confidentialité mais que de toutes les façons le MES a demandé à Cambridge, en novembre l'année, de revoir la question.

Je voudrais demander directement au ministre de ne pas laisser cette question au MES, d'intervenir directement. Nous sommes les clients. Nous avons quelquefois le droit de dire non à Cambridge et d'exiger un changement et je pense que toute la population et tous les parents concernés regardent dans sa direction en espérant qu'il aura une intervention prompte, efficace et réussie.

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** M. le président, le problème a été pris au niveau du *MES* bien avant que le débat arrive dans le public, ici. Le *MES* avait déjà constaté cette éventuelle difficulté, étant donné que Maurice est effectivement unique dans la mesure où il y a ce système de bourse - les lauréats qui sont nommés après les examens de *HSC*. Mais, il y a aussi le fait que cet examen est organisé par Cambridge. C'est un examen international ; quand Cambridge donne son certificat à un étudiant qui a passé ses examens, ce certificat est reconnu sur le plan international. Donc, Cambridge aussi a ses exigences. Il faut prendre aussi en considération que ces examens sont organisés en même temps dans divers pays du monde compte tenu du décalage horaire. Donc, nous avons fait le point avec Cambridge. Ce qui a été mentionné est provisoire pour l'instant. Je pense que Cambridge sera quand même sensible au fait que Maurice est unique dans ce sens où on choisit les lauréats selon ces examens et cela pourrait éventuellement avoir un quelconque impact sur les étudiants, mais attendons.

Cambridge a été quand même assez ouvert à la demande de l'île Maurice. On n'a pas attendu que l'honorable membre soulève la question ici. On n'a pas attendu que la question soit prise dans les radios privées. Dès le départ, comme Cambridge a eu l'information de ce programme provisoire, ils ont fait le nécessaire pour que Cambridge soit plus à l'écoute et essaie de rectifier le tir dans la mesure du possible.

**DAUGUET - PROMENADE DE SANTE**  
**- LIGHTING & TREES TRIMMING**

**Mr R. Uteem (Second Member for Port Louis South and Port Louis Central):** Mr Speaker, Sir, this concerns the hon. Minister of Public Infrastructure, National Development Unit and Land Transport and Shipping and perhaps the hon. Minister of Environment and Sustainable Development is concerned as well. It is in relation to a problem that has been raised in this House previously and that concerns *Promenade de Santé* at Dauguet, which is near the Tranquebar area. It is a place where lots of people in Port Louis go for footing. Now that winter is coming, it is getting dark very early and I would make a request to the Minister concern to see to it that lights are put there.

Also there are a lot of trees that have grown up and people don't feel very safe to go walking at night. So, if the needful could be done to clear the path and also to have lighting there. Thank you.

**The Minister of Environment and Sustainable Development (Mr D. Virahsawmy):** Yes, Mr Speaker, Sir, we shall look into this question of cleaning and trimming of the trees. As far as lighting is concerned, unfortunately, we don't have the Budget for that.

**ROCHE BOIS – MOTORWAY - PARAPET**

**Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) :** M. le président, le problème que je vais soulever concerne l'autoroute qui se situe à Roche Bois et j'espère que l'honorable ministre des infrastructures publiques prendra note. En fait, un bout du parapet qui sépare l'autoroute menant vers le nord et l'autoroute qui descend vers la capitale a été enlevé. Normalement, il y a de l'herbe qui sépare les deux autoroutes mais cela a été asphalté. Je suis sûr qu'il y a une raison pour cela, mais il y a plus de deux semaines que cet espace est libre. Donc les automobilistes et motocyclistes tournent à droite en montant aussi bien qu'en descendant et cela peut occasionner des accidents. Normalement, il y aurait dû avoir une chaîne placée à cet endroit.

Je fais un urgent appel à l'honorable ministre pour que le nécessaire soit fait afin que cela n'occasionne aucun accident. Merci, M. le président.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, I have already given instructions to the contractor. I get the feeling that they are delaying the work. I will send reminders to them and, by tomorrow morning, I do hope that the needful will be done.

#### **DERBY STREET, MOSQUE, FOREST SIDE – DRAINS**

**Dr. S. Boolell (Second Member for Curepipe & Midlands):** Mr Speaker, Sir, I would like to invite the hon. Minister of Local Government to draw the attention of the Municipality of Curepipe to blocked drains in Derby Street, right outside the Derby Street Mosque in Forest Side. The Municipality is aware of the problem, but seemingly they have not acted and especially with the month of Ramadan coming in, those of Muslim faith will be severely hampered. Thank you.

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** Mr Speaker, Sir, we will look into this matter.

#### **STE CÉCILE, RICHE TERRE – ROAD CONSTRUCTION**

**Mr G. Lesjongard (Second Member for Port Louis & Montagne Longue):** Mr Speaker, Sir, the matter which I wish to raise is addressed to the hon. Minister of Local Government and concerns the construction of a road at Ste Cécile, Riche Terre.

Mr Speaker, Sir, the inhabitants have made several requests, verbal and written. They have even held press conferences. They have staged a protest in front of the Government House for the construction of a road at Ste Cécile. Unfortunately, until now, the authorities have not acceded to their request.

If we go back to 2008, in reply to a Question, the hon. Minister of Public Infrastructure had stated that the matter has been referred to the hon. Minister of Local Government. Until now, nothing has been done.

I would urgently request the hon. Minister to look into the matter and see the possibilities of having that road constructed at Ste Cécile, because the families are really suffering in that area. Thank you, Mr Speaker, Sir.

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** Mr Speaker, Sir, I will look into the matter.

### **CITÉ JONCTION, PAILLES – ILLEGAL BUILDING**

**Mr J. C. Barbier (Second Member for GRNW & Port Louis West):** Mr Speaker, Sir, my plea will be in favour of inhabitants of Cité Jonction, Pailles, and is addressed to the hon. Minister of Local Government.

Some time back, Mr Speaker, Sir, maybe two years or more, I drew the attention of the Ministry in this same House to the erection of an illegal building on the border of the road, just obstructing the view of riders and drivers coming from Cité Jonction to catch the main road. Construction was stopped. Unfortunately, it has not yet been pulled down. So, the problem is still the same; it is still obstructing the view of riders and drivers coming from Cité Jonction.

So, I would appeal, again, to the Minister concerned to see to it through the Black River District Council that this building is pulled down for the benefit of the inhabitants of Cité Jonction.

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** Mr Speaker, Sir, I will look into the matter.

### **RODRIGUES – LIQUEFIED PETROLEUM GAS**

**Mr J. F. François (Third Member for Rodrigues):** Mr Speaker, Sir, with your permission, I will briefly raise two issues which concern Rodrigues. Firstly, it concerns distribution of Liquefied Petroleum Gas in Rodrigues, and secondly, renewal and discontinuance of Basic Invalidity Pension and Carer's Allowance.

The first issue I am raising is addressed to the hon. vice-Prime Minister and Minister of Finance, the hon. Minister of Commerce, the hon. Minister of Consumer Protection and the hon. Minister of Shipping with regard to the continuous problem of distribution and shipment to Rodrigues monthly of Liquefied Petroleum Gas, commonly known as LPG.

From information gathered, Mr Speaker, Sir, Rodrigues received 8000 cylinders of LPG on the last voyage of Trochetia, 5800 blue, 2800 yellow and red. The quota requested for both yellow and red cylinders to meet demand was not respected. We are in winter, Mr Speaker, Sir and consumption of gas is certainly on a rise. At present, in Rodrigues, yellow and red gas

cylinders are already out of stock, leading to frustration and grudge from local people all around the island. Some people are going back to the alternative of wood fire.

It is imperative for a firm protocol to be worked out between all the stakeholders with regard to LPG distribution and stock capacity in Rodrigues. In that connection, Mr Speaker, Sir, may I make a suggestion to the hon. vice-Prime Minister and Minister of Finance for the setting up of a special committee as was the case in the past to work on the cross-subsidy issue for Rodrigues comprising of representatives from various Ministries like Commerce, Trade, Shipping and others, maybe National Assembly Members from Rodrigues, representatives from RRA and companies distributing LPG in Rodrigues and why not the Mauritius Ports Authority and STC as well at one go, to look into the matter to remedy the recurrent problem of LPG and also the freight problems and other community distributions to Rodrigues.

### **RODRIGUES - BIP/CARER'S ALLOWANCE**

My second issue, Mr Speaker, Sir, is addressed to the hon. Minister responsible for Social Security, National Solidarity and Reform Institutions. We have renewal and discontinuance of Basic Invalidity Pension and Carer's Allowances in Rodrigues.

Many persons with permanent disability, mainly amputated legs or arms and other problems like dementia or severe cardiovascular diseases are facing the burden of undergoing Medical Board every year. The Board appointment is scheduled after expiry of Basic Invalidity Pension and Carer's Allowance. Some cases have been discontinued since November/December 2010 and, up to now, nothing is finalised. Unfortunately, the system is such that they have to wait for the Board decision to have their pension and allowance reinstated after a fresh application. If rejected by the Board, it is again another one month and six months for reconciliation. Please note that the Board meets twice yearly in Rodrigues.

Mr Speaker, Sir, I will humbly appeal to the hon. Minister of Social Security, National Solidarity and Reform Institutions to look into the matter and remedy the situation of these vulnerable people.

Thank you.

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** Concerning the first matter raised by the hon. Member, I have taken note and I will take up the matter with the officials of the Ministry tomorrow.

**The Minister of Social Security, National Solidarity and Reform Institutions (Mrs L. D. Dookun-Luchoomun):** I will look into the matter.

### **MONTAGNE BLANCHE/SEBASTOPOL - SUGAR CANE**

**Mr J. Seetaram (Second Member for Montagne Blanche & GRSE):** Mr Speaker, Sir, this matter would be addressed to my good friend, hon. Faugoo, Minister of Agro-Industry and Food Security.

It concerns sugar cane plantations in the region of Montagne Blanche and Sebastopol, where you have sugar canes leaning and falling on the roads. This is causing obstructions to the view of drivers and also to other road users. Sugar canes are also leaning and falling on the pavement, thus creating obstructions for pedestrians, mainly in the region of Kewal Nagar, Olivia and Deep River.

As far as the trucks which carry the sugar canes are concerned, they are overloaded and, very often, some of them fall on the streets and it creates problems for the traffic. It can cause accidents. And in some villages, it even damages the wires when they go through. The canes fall and block the drains.

So, I make a request to my good friend, hon. Faugoo, to kindly look into the matter for it to be sorted out quickly.

**The Minister of Agro-Industry and Food Security (Mr S. Faugoo):** Mr Speaker, Sir, I have taken good note of all the points raised by my good friend and I will request the Mauritius Sugar Authority to look into all the problems.

**Mr Speaker:** So, we have ended on a very good note. Thank you.

*At 8.15 p.m., the Assembly was, on its rising, adjourned to Tuesday 18 October 2011, at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### PLEASURE CRAFTS - EMBARKATION POINTS AND MOORING PLACES.

**(No. B/733) Mr C. Fakkeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Tourism and Leisure whether, in regard to the pleasure crafts, he will for the benefit of the House, obtain from the Tourism Authority, information as to if there is a project for the creation of a *base d'operation* therefor and, if so, if the project will be implemented, indicating the reasons therefor.

**Reply:** I am informed that there is no project for the creation of a '*Base d'operation*'.

The House may, however, wish to note that the Tourism Act of 2004 which was amended in 2005 with a view to providing the Tourism Authority the power to regulate the use of pleasure craft included the definition of a base of operation for every pleasure craft.

The base of operation was thus defined as the place from which the holder of a pleasure craft licence was permitted to use his pleasure craft for a commercial purpose.

A designated base of operation was thus allocated to every licensee. This concept of base of operation was maintained in the Tourism Authority Act of 2006.

The Tourism Authority Act of 2006 was subsequently amended in 2008. The term 'base of operation' was replaced in the Act by 'embarkation points' and 'mooring places'.

I am informed that the Tourism Authority is currently allocating an embarkation point for each pleasure craft operating on a commercial basis and a mooring place for the private pleasure craft.

### DRIVING LICENCES – ISSUE

**(No. A/255) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the driving licences, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the total number of persons holding a –
  - (i) driving licence;
  - (ii) learner licence, giving in each case, a breakdown thereof category-wise, and
- (b) if a revision of the present system of issuing thereof is being envisaged.

**Reply:** Records available at the Police Department indicate that 640,800 driving licences, including learner licences, have been issued since the coming into operation of the Traffic Branch in 1921. Police do not keep separate records for each category of licence or learner's licence.

The Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping is currently working on amendments to the Road Traffic Regulations to review the issue of driving licences. The new regulations will cater, *inter-alia*, for a new format of the licence and licences for different classes of vehicles. Probationary Licence Regulations are also being worked out for the introduction of a probationary licence for the first two years after passing the practical driving test.

A Driver Education and Training Centre is being set up to review and upgrade driving skills and standards. This Centre would be responsible for the issue of driving licences.

#### **POLICE FORCE – MR T. M. - CONTRACT**

**(No. A/256) Mr D. Nagalingum (Second Member for Stanley and Rose Hill)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Mr T. M., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if he is appointed on a contractual basis in the Mauritius Police Force and, if so, indicate –

- (a) in which capacity, and
- (b) the terms and conditions of his appointment, including the
  - (i) duties assigned to him, and
  - (ii) contract period, and
- (c) the fringe benefits to which he is entitled, indicating if a chauffeur-driven car from the Police Transport Branch is put at his disposal.

**Reply:** The Commissioner of Police has informed that in the context of the implementation of the National Policy Strategic Framework, the services of Mr T. M. have been enlisted as resource person for a period of one year as from 14 March 2011. He is required to work for six hours per day for a maximum period of 15 days per month and is paid an all-inclusive allowance of six hundred rupees per hour.

Transport facilities are provided from his place of residence to Line Barracks and back and for official duties.

**SIR SEEWOOSAGUR RAMGOOLAM STREET, PORT LOUIS – BUS STOP –  
TRAFFIC CONGESTION**

**(No. A/257) Mr A. Ameer Meea (First Member for Port Louis Maritime and Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the bus stop found opposite the Mohamedally Court, at the Sir Seewoosagur Ramgoolam Street, Port Louis, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if same is regularly obstructed by other vehicles thereby causing traffic congestions and, if so, indicate –

- (a) if consideration will be given for the taking of additional measures for the prevention thereof, including the posting of Police Officers thereat during peak hours, and
- (b) the number of contraventions booked thereat over the past year.

**Reply:** The bus stop found opposite Mohamedally Court along the Sir Seewoosagur Ramgoolam Street, Port Louis is meant for passengers proceeding to Plaine Verte, Vallée des Prêtres, Cité La Cure and Terre Rouge. There is no shelter for the bus stop, but the road thereat is marked “*Bus Stop*” with white paint and double yellow lines. Therefore, no vehicles other than buses, are allowed to stop on that space. However, as the Sir Seewoosagur Ramgoolam Street is one of the busiest roads in the City of Port Louis with numerous commercial buildings and a bank in the vicinity of the bus stop, drivers often park on the bus stop for a quick personal transaction.

Police carry out mobile patrols daily along the Sir Seewoosagur Ramgoolam Street and their duties are, *inter-alia*, to regulate traffic at junctions and prevent unauthorised parking with a view to ensuring the fluidity of traffic. Policing along the Sir Seewoosagur Ramgoolam Street is carried out by the Pope Hennessy, Trou Fanfaron and Plaine Verte Police Stations with the support of the Traffic Branch, the Divisional Traffic Police and the Divisional Support Unit.

In regard to part (b) of the question, I am informed that from 01 July 2010 to 15 July 2011, 57 contraventions have been established in respect of Road Traffic offences in the vicinity of the bus stop, including four contraventions through wheel clamping for unauthorised parking at the bus stop. The owners whose vehicles are clamped and who have not paid the fee of Rs1,000 before 18.00 hours on the same day, will have to meet the removal fee for towing away of their vehicles.

### **POLICE FORCE - SNIFFER DOGS**

**(No. A/258) Mr F. Quirin (Third Member for Beau Bassin and Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the sniffer dogs at the Dog Section of the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the present number thereof;
- (b) if they are deployed to patrol commercial areas;
- (c) the measures taken for the replacement of the old dogs, and
- (d) how they are disposed of when they become old.

**Reply:** The Commissioner of Police has informed that Police dogs at the Police Dog Unit (PDU) are classified into three categories namely drug sniffer dogs, explosive sniffer dogs and general purpose dogs.

The drug sniffer dogs are used for the sniffing of dangerous drugs. The explosives sniffer dogs are mainly used when there are bomb threats/alerts for the search and detection of explosives. The general purpose dogs are used in criminal cases such as larceny, missing persons, murder and dead bodies found.

It would not be in order to give such information as requested in part (a) of the question.

In regard to part (b) of the question, general purpose dogs are used to patrol targetted commercial areas and bus stations.

In regard to part (c) of the question, the Police have a planned schedule for replacement of old dogs. They are replaced in a phased manner as and when they become old and non-operational.

In regard to part (d) of the question, the old dogs are donated to members of the Police Force through application which is published in the Police Routine Orders.

### **NATIONAL DISASTER OPERATION COORDINATION CENTRE - OPERATION**

**(No. A/259) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the National Disaster Operation Coordination Centre, he will state if -

- (a) it is fully operational and, if so, since when and, if not, why not, and
- (b) simulation exercises have been held and, if so, the number thereof,

indicating the date and time same were carried out and, if not, why not

**Reply:** In regard to part (a) of the question, I am informed by the Commissioner of Police that, since 01 December 2010, the National Disaster and Operations Coordination Centre has been set up at Line Barracks, under the operational command of the Commissioner of Police.

For operational convenience, the Centre incorporates the Police Information and Operations Room at the Police Headquarters as well as all other Operations Rooms from Divisions and Branches of the Force. However, when a disaster is likely to strike Mauritius, officers of other organisations such as the Meteorological Services, the Central Electricity Board and the Fire Services are also roped in.

The Centre is operational on a round-the-clock basis.

Additional space will be available to the Centre with the completion of the upgrading works at the former Police Mechanical Workshop scheduled to be completed by January 2012.

In regard to part (b) of the question, I am informed by the Commissioner of Police that, since 01 December 2010 to date (i.e. 14 July 2011), 54 simulation exercises have been held as indicated in the document being placed in the library.

### **POLICE STATIONS - STAND-BY GENERATORS**

**(No. A/260) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Police Stations and offices which are operational on a 24-hour basis, he

will, for the benefit of the House, obtain from the Commissioner of Police, information as to if they are equipped with stand-by generators and, if not, why not.

**Reply:** Most of the Police Stations and Police Posts are equipped with stand-by generators.

During the current financial year, 37 stand-by generators will be installed in those stations which do not have one.

#### **CRIME OCCURRENCE TRACKING SYSTEM - IMPLEMENTATION**

**(No. A/261) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the project for the implementation of a Crime Occurrence Tracking System, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand, indicating -

- (a) the Divisions that will be connected therewith, and
- (b) when same is expected to be fully operational.

**Reply:** The contract for the execution of the first phase of the Crime Occurrence Tracking System (COTS) project was awarded in December 2009 to State Informatics Limited. The project consists of -

- (i) providing statistical data on crimes, misdemeanours and contraventions and a Data Management System;
- (ii) computerisation of the Crime Occurrence Book and Master registers, and
- (iii) constant information of movement of files and tracking of dossiers from Police Station up to Prosecutor's Office.

The project will be implemented in three phases and will comprise the computerisation of all the divisions of the Police Department.

The Crime Occurrence Tracking System will interact with other agencies, such as the Prime Minister's Office, the Attorney General's Office, the Judicial Department, the Prisons Department, the National Transport Authority, the Forensic Science Laboratory and the Civil Status Division.

Major components of the project have been completed, including the installation of equipment and network in the police stations concerned. Testing of the system has been planned for August and September next. The training of some 2,700 police officers will be undertaken in October 2011.

The first phase of the Crime Occurrence Tracking System is expected to be operational by November 2011.

#### **MR M. D. G. – ARREST - DEATH**

**(No. A/262) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Mr M. D. G., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if -

- (a) the police was in possession of a warrant of arrest at the time of the arrest, and
- (b) if an inquiry has been carried out into the cause of his death and, if so, indicate the outcome thereof.

**Reply:** In regard to part (a) of the question, the Commissioner of Police has informed that Mr D. G. was arrested on 07 July 2011 in connection with the case of ‘Attempt upon Chastity’. At the time of his arrest, Mr D. G. was found to be under the influence of liquor and no statement could be recorded from him.

Section 22 of the District and Intermediate Courts (Criminal Jurisdiction) Act 1888 empowers the Police to arrest any person against whom a criminal case has been reported without warrant. Therefore, no warrant of arrest was needed to arrest the above-named.

In the morning of 08 July 2011, whilst under detention, Mr D. G. complained that he was ill and requested to be medically examined. He was conveyed to Dr. Jeetoo Hospital under escort for examination, but refused admission against the doctor’s advice.

On the same day, while Mr G. D. was at the Pope Hennessy Police Station for further enquiry, he suddenly fell unconscious on his back and he was conveyed to hospital where he was admitted. He passed away the next day.

In a statement given to the Police on 11 July 2011 at 12 05 hours, in the presence of deceased's concubine, the latter's mother stated that her late son was an alcoholic and often had fits, and most of the time he lived alone in his room partaking drinks. She further stated that she is not agreeable with the versions reported on radios and in the press as she had never given any information to them. She has no complaint against the Police.

According to the autopsy report, late Mr D. G. died of 'cranio-cerebral injuries'. The report also mentioned that the deceased had a skull fracture with intracranial bleeding and a few minor abrasions on his back and the fracture of the skull was a result of a fall on a hard surface.

In regard to part (b) of the question, the Police has initiated an enquiry into the matter. After completion, the case file will be forwarded to the DPP's Office for advice.

The National Human Rights Commission has also started an independent enquiry into the death of Mr D. G. No complaint has been received by the Commission from the mother or any other relative of the deceased.

#### **CEB - RETIRED EMPLOYEES - PENSION**

**(No. A/263) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the retired employees of the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to where matters stand in relation to their request for adjustments in their pension emoluments, following the review of the salaries at the Central Electricity Board.

**Reply:** The hon. Member may refer to the reply made to PQ B/121 of 05 April 2011.

I am informed by the CEB that the actuarial report was submitted in April 2011 and is being examined by a subcommittee of the Board.

#### **MAURITIUS POLICE FORCE – STAFF LIST - WEBSITE**

**(No. A/264) Mr D. Nagalingum (Second Member for Stanley and Rose Hill)** asked the Minister of Civil Service and Administrative Reforms whether, in regard to the staff list of

the Mauritius Police Force, he will state if same is presently not available on the website of his Ministry and, if so –

- (a) since when
- (b) the reasons therefor.

**Reply:** It has been the practice for my Ministry to host on its website the staff lists of all Ministries and Departments as submitted by the respective organisations.

However, after consultation with the Commissioner of Police, the staff list for the Mauritius Police Force has been temporarily removed as from the last week of October 2010 as it was under review and same will be available by August 2011 when the review exercise would be completed.

#### **COMMUNITY LANE, FOREST SIDE - DRAINS**

**(No. A/265) Dr S. Boolell (Second Member for Curepipe and Midlands)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Community Lane, in front of the Community Centre, the Parboo Lane at Cross Road near the residence of Mr S., and the Coriolis Road near the mosque in 16ème Mile, Forest Side, he will state if water accumulates thereat during heavy rainfalls and, if so, if consideration will be given for the construction of drains thereat.

**Reply:** The National Development Unit has been apprised of the accumulation of water during heavy rainfall at Community Lane, in front of the Community Centre, Parbhoo Lane at Cross Road, near the residence of Mr S., and Coriolis Road near the Mosque at 16ème Mille, Forest Side.

The officers of NDU together with the Parliamentary Private Secretary of the region have effected site visits and consideration is being given to remedy the situation.

#### **PUBLIC & PRIVATE HIGH EDUCATION INSTITUTIONS - COURSES**

**(No. A/266) Mr S. Obeegadoo (The Honourable Third Member for Curepipe & Midlands)** asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the accredited public and private high education institutions, he will, for the benefit of the House, obtain from the Tertiary Education Commission, a list thereof, indicating the –

- (a) number thereof which provide for;

- (i) diploma level courses only;
- (ii) degree level courses;
- (iii) post-graduate courses, and
- (iv) their own internally developed courses

(b) number of students enrolled therewith for;

- (i) full time courses;
- (ii) part time courses;
- (iii) undergraduate diploma;
- (iv) undergraduate degree, and
- (v) post graduate courses

(c) number thereof where researches are conducted, and

(d) net enrolment ratio for full time students, having regard to the internationally designated age group.

**Reply:** As regards to part (a), I am informed by the Tertiary Education commission that it does not accredit public and private institutions. Instead it registers private post-secondary education institutions (PSEIs) and accredits their programmes of study.

There are presently 11 publicly-funded institutions (PFIs) and 55 private (PSEIs) locally. Their names are available on the TEC website at <http://www.tec.mu>.

Number thereof which provide for -

- i. Diploma level courses only
- ii. Degree level courses
- iii. Post-graduate courses
- iv. Their own internally developed courses

	PFIs	Private Institutions	Total
Diploma Level Only	4	24	28
Degree Level	6	36	42
Post Graduate Courses	6	24	30
Own internally Developed courses	8	3	11

As regards to part (b), according to the latest publication of the TEC, as at December 2010 the number of students enrolled therewith for -

- i. full time courses
- ii. part time courses
- iii. undergraduate diploma
- iv. undergraduate degree and
- v. post-graduate courses, was as follows:

Source	Full time	Part time	Distance Education	Total
<b>P FIs</b>	12,150	5,947	3,669	21,766
<b>Private</b>	2,906	4,287	4,468	11,661
<b>Total*</b>	15,056	10,234	8,137	33,427

\*includes enrolment on Certificate , Foundation and Professional programmes

Level	Enrolment in PFIs and Private**
Diploma	6552
Degree	15940
Postgraduate	
Courses	3635
<b>Total</b>	<b>26127</b>

\*\* Excludes enrolment on Certificate , Foundation and Professional programmes

### **Part (c) Number thereof where researches are conducted**

All institutions are doing research in one way or another.

### **Part (d) Net enrolment ratio for full time students, having regard to internationally designated age group**

It has been the practice since 1999 when the Tertiary Education Commission started collecting statistics on enrolment to quote the Gross Tertiary Enrolment Rate. Internationally, the Gross Tertiary Education Enrolment Rate, commonly referred to as

the GTER is the indicator used to measure progress with regard to enrolment at the tertiary level. It is not our intention to depart from such a practice.

The GTER is calculated by dividing the number of Mauritian students enrolled in all post-secondary education institutions and universities by the population aged 20 to 24 years. It takes into account UNESCO International Standard classification of Education, ISCED, levels five and six and includes universities, teachers; colleges and higher professional schools, requiring as a minimum condition of admission the successful completion of education at the secondary level, or evidence of an equivalent level of knowledge. According to latest statistics from the Tertiary Education Commission, the GTER stood at 45.1% in December 2010 (i.e tertiary student population divided by population in the age group 20 to 24, that is, 43,759/ 97031).

#### **SUGAR PRODUCERS ASSOCIATION AGREEMENT – LAND ALLOCATION**

**(No. A/267) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Housing and Lands whether, in regard to the 2000 acres of land obtained from the Mauritius Sugar Producers Association, under the Sugar Producers Association Agreement, he will give a list thereof which have been allocated, indicating in each case the -

- (a) extent thereof;
- (b) date of allocation;
- (c) location thereof, and
- (d) purpose therefor.

**Reply:** The information requested is being placed in the Library.

#### **MAURITIUS SOCIETY OF AUTHORS – DIRECTOR – ARREST**

**(No. A/268) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Arts and Culture whether, in regard to the recent arrest of the Director of the Mauritius Society of Authors and of the resignation of five other members of the Board thereof, he will state if his Ministry has carried out an inquiry thereinto and if so, the outcome thereof.

**Reply:** Police enquiry is in progress following the recent arrest of the Director of the Mauritius Society of Authors (MASA).

Regarding the resignation of the five members of the Board, I am informed that legal advice is being sought by MASA on the course of action to be followed.

In view thereof, it would not be appropriate to conduct a parallel enquiry at this stage.

**RESIDENCE PERE LAVAL, QUATRE BORNES - FOOTBALL GROUND -  
LIGHTING**

**(No. A/269) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Local Government and Outer Islands whether, in regard to the project for the lighting of the football ground and of the volleyball pitch, at Résidence Père Laval, Quatre Bornes, he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to the -

- (a) contract value thereof;
- (b) name of the contractor, and
- (c) scheduled time for the completion thereof, indicating if there is any delay therefor and if so, the reasons therefor.

**Reply:** I am informed that the project for the provision of lighting facilities at the football ground and volleyball pitch at Residence Père Laval is being implemented by the National Development Unit.

With regard to parts (a) (b) and (c) of the question, I am informed that the contract was awarded on 15 October 2010 to Mauritech Ltd at the contract price of Rs 2,883,683. According to the contractor's program of works, the project start date was 10 January 2011 and expected completion date was 10 August 2011.

I am informed that the works have been delayed due to the fact that lighting poles which had been specified in the contract documents had to be imported and the import procedures had been delayed at the level of the contractor.

**QUATRE BORNES MUNICIPAL COUNCIL - RECEPTION HALL - LEASE**

**(No. A/270) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Local Government and Outer Islands whether, in regard to the reception hall of the Municipal Council of Quatre Bornes, he will, for the benefit of the House, obtain from the Council, information as to if cases of violation of the procedures for the lease thereof, over the period of November 2009 to November 2010, have been reported thereat and, if so, indicate if same have been referred to the Independent Commission Against Corruption.

**Reply:** I am informed by the Municipal Council of Quatre Bornes that the normal procedures for the lease of the reception hall are as follows -

- (i) the lessee has to make a request/booking at the Welfare Department and has to pay the relevant fees (deposit, rental, attendant fees) in advance, and
- (ii) in case of free use of the hall, the lessee has to make a request to the Council for consideration at the relevant committees.

However, the Council has reported that on 02 August 2010, the *Association pour L'Education et la Réhabilitation des Personnes avec Déficience Intellectuelle* made a request through e-mail to the Council for the free use of the reception hall from 09 to 13 August 2010.

The request was to be considered at the Welfare Committees of 05 and 06 August 2010 respectively, but both committees were not held due to lack of quorum.

Subsequently, the then Mayor, Mr A. Rajkoomar, gave authorisation to the Association to use the reception hall.

At the Welfare Committee held on 17 August 2010, it was decided to request the organisation to pay the relevant fees. Three letters were sent to the organisation in this regard but no response was received.

#### **GOLD CREST LANE, TERRE ROUGE - PRIVATE IMPASSE**

**(No. A/271) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Minister of Local Government and Outer Islands whether, in regard to the private impasse, situated at Gold Crest Lane, Terre Rouge, he will, for the benefit of the House, obtain from the Pamplemousses and Rivière du Rempart District Council, information as to if consideration will be given for it to be declared public.

**Reply:** I am informed by the Pamplemousses-Rivière du Rempart District Council that Gold Crest Lane at Terre Rouge is not listed in its record. However, the Council will consider favourably having the lane declared as a public road if a formal request is received from the inhabitants of that region.