

**REPUBLIC OF MAURITIUS**  
**FOURTH NATIONAL ASSEMBLY**

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**FIRST SESSION**

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**TUESDAY 14 JULY 2009**

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**FOURTH NATIONAL ASSEMBLY**  
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**Debate No. 22 of 2009**  
**Sitting of Tuesday 14 July 2009**

**The Assembly met in the Assembly House, Port Louis,  
At 11.30 a.m.**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

**PAPERS LAID**

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

**A. Speaker's Office –**

Declaration of Interest by the Honourable Third Member for Quartier Militaire and Moka (Dr Ramloll) in relation to Parliamentary Question B/827 (In original).

**B. Prime Minister's Office –**

Certificate of Urgency in respect of The Finance (Miscellaneous Provisions) Bill  
(No. XVI of 2009).

**C. Ministry of Renewable Energy and Public Utilities –**

The Annual Report and Audited Accounts of the Central Water Authority for the year 2006/2007.

**D. Ministry of Finance and Economic Empowerment –**

- (a) The Annual Report 2007/2008 of the National Audit Office (In original).
- (b) The Public Procurement (Amendment) Regulations 2009 (Government Notice No. 68 of 2009).
- (c) The Borrowers Protection (Amendment of Schedule) Regulations 2009 (Government Notice No. 71 of 2009).
- (d) The Companies (Waiving of Fees) Regulations 2009 (Government Notice No. 72 of 2009).
- (e) The Excise (Amendment of Schedule) (No. 2) Regulations 2009 (Government Notice No. 74 of 2009).

- (f) The Registration Duty (Amendment of Schedule) (No. 2) Regulations 2009 (Government Notice No. 75 of 2009).
- (g) The Customs Tariff (Amendment of Schedule) (No. 2) Regulations 2009 (Government Notice No. 76 of 2009).

**E. Ministry of Local Government, Rodrigues and Outer Islands –**

The Report of the Director of Audit on the Financial Statements of the Beach Authority for the year ended 30 June 2008 (In original).

**F. Ministry of Social Security, National Solidarity & Senior Citizens Welfare & Reforms Institutions –**

The Statutory Bodies Pension Funds (Amendment of Schedule) (No. 2) Regulations 2009 (Government Notice No. 73 of 2009).

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

The Annual Report of the Mauritius Sugar Terminal Corporation for the year 2006/2007.

**H. Ministry of Consumer Protection and Citizens Charter –**

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 13) Regulations 2009 (Government Notice No. 67 of 2009).
- (b) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 5) Regulations 2009 (Government Notice No. 69 of 2009).
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 14) Regulations 2009 (Government Notice No. 70 of 2009).
- (d) The Consumer Protection (Control of Price of Petroleum) (Amendment) Regulations 2009 (Government Notice No. 66 of 2009).

## ORAL ANSWERS TO QUESTIONS

### CATERINO, MR CHRISTOPHE – ARREST, BAIL & DEPARTURE

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to C. C. he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the circumstances in which he was arrested and left Mauritius, indicating –

- (a) in both cases if the Interpol has been involved;
- (b) pending the determination of his appeal –
  - (i) if the police had objected to his release on bail, and
  - (ii) how long after he failed to report to the Bel Ombre police station the police headquarters was alerted;
- (c) if anyone has been arrested locally, and
- (d) if any report has been received from the authorities from France and Réunion Island.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I will reply to the Private Notice Question together with Parliamentary Questions B/803, B/804 and B/806 as they relate to the same issue.

With regard to part (a) of the question Mr Christophe Laurent Louis Caterino, a French national and cabin crew of Air France was arrested on 14 May 2007 on his arrival at SSR International Airport by Flight AF 966 for having imported 15 parcels containing about 51,863 Subutex tablets valued at approximately Rs41,490,400. This arrest was effected following intelligence gathered by ADSU. Mr Caterino was subsequently prosecuted for the charge of ‘Unlawful Possession of Dangerous Drugs’ before the Intermediate Court. On 15 May 2007, a provisional plaint of ‘Unlawful Possession of Dangerous Drugs’ was lodged at the Grand Port District Court. He was remanded to police cell up to 22 May 2007. On 05 June, Mr Caterino applied to the District Magistrate for bail and the application was set aside. I wish to observe here that the District Magistrate, in a ruling dated 02 August 2007, had observed that dealing in Subutex was not a drug dealing offence. The House is no doubt, Mr Speaker, Sir, aware that in the meantime Government has brought in legislation that provides for the offence of dealing in Subutex as a drug dealing offence for which the penalty, of course, is much higher.

Mr Caterino applied again for bail and, on 27 August 2007, the Grand Port Court refused bail but warned that if the police did not lodge a formal charge within a week, the Court would release him on bail. Again, I should point out that the police had objected to bail.

On 19 September 2007, while trial was ongoing at Intermediate Court, his Counsel moved that he be admitted to bail. On 01 October 2007, upon the DPP’s advice, no objection was raised to the release of Mr Caterino on bail provided he gave necessary undertakings under oath. I should say again here that this is the usual practice. The police objected to bail, but they consulted the DPP and, on his advice, no objection was raised to the release of Mr Caterino on bail, but provided he gave necessary undertakings under oath.

Mr Caterino deponed under oath and undertook not to leave Mauritius without prior approval of the Court until the completion of the case. The Court thus released him on bail subject to the following conditions -

- provision of a surety of Rs200,000;
- entering into a recognizance of Rs1 m. in his own name;
- reporting to Blue Bay police station everyday between 0600 hrs and 1800 hrs, and
- being present at Court whenever he be called upon.

In regard to part (b)(i) of the question, I am informed by the Commissioner of Police that, on 15 December 2008, Mr Caterino was sentenced by the Intermediate Court to undergo 54 months imprisonment. On the same day, he gave notice of appeal against the judgment and moved for bail pending the appeal in accordance with the District and Intermediate Court Act. The police again objected to Mr Caterino's release on bail and, thereafter, as I explained, Mr Speaker, Sir - the practice is - the advice of the Director of Public Prosecutions was sought on the matter.

I am further informed that, on 16 December 2008, the Office of the Director of Public Prosecutions raised no objection to Mr Caterino's release on bail subject to him fulfilling the following conditions -

- (a) to furnish a surety of Rs.1.5 m in cash or bank guaranteed cheque;
- (b) to report to the nearest police station 3 times weekly;
- (c) to reside at a fixed place of abode;
- (d) to remain permanently in possession of a mobile phone and undertake to keep it in good working order at all times and communicate the number to the police;
- (e) not to leave or attempt to leave Mauritius except with the consent of a court of law; and
- (f) to comply with any other condition(s) imposed by the Court.

On the same day, the Court ordered the release on bail of Mr Caterino pending his appeal, subject to the conditions recommended by the Director of Public Prosecutions, except what was changed was the amount of the surety was reduced to Rs800,000. This amount was paid in cash by Mr Caterino. The Court also specified that Mr Caterino would have to report at Bel Ombre police station on Mondays, Wednesdays and Fridays between 6.00 a.m. and 7.00 p.m.

On 17 December 2008, Mr Caterino called at the Bel Ombre police station. He informed that he would be residing at Movenpick Hotel, Bel Ombre, and gave a cellular telephone number for any contacts with him. He was requested to inform the police in case he changed his address.

His appeal was fixed for 04 May 2009. However, since the Court record was incomplete, the case was postponed to 12 May 2009, date on which the case was fixed for hearing on 13 July 2009.

On 26 June 2009, Mr Caterino's Counsel, Mr Ivan Collendavelloo, Senior Counsel, wrote a letter to the Secretary of the Chief Justice and requested that the case be postponed to 09 September. On 02 July 2009, the Supreme Court acceded to the request.

I should add here, Mr Speaker, Sir, just to complete it, that on 15 June 2009, one Mr Vincent Lejeune, a French national, arrived in Mauritius. He was granted a 90-day tourist visa. He gave his address as Shandrani Hotel but, in fact, stayed at Auberge Lataniers, Le Morne.

On 26 June 2009, Mr Vincent Lejeune rented a car which was, at his own request, delivered to him at Movenpick Hotel on the same day.

On 27 June 2009, Mr Vincent Lejeune purchased a pleasure craft from one Mr Jérôme Giblot Ducray for the sum of Rs475,000.

Mr. Jérôme Giblot Ducray, by way of a letter dated 27 June 2009, informed the Tourism Authority that he had sold his pleasure craft to Mr Vincent Lejeune, representative of WHAT'S NEWS PRODUCTION.

The Tourism Authority has informed that it received the letter on 01 July 2009, and that the licence of the pleasure craft had expired since 16 April 2009, while WHAT'S NEWS PRODUCTION did not apply for a change in ownership. Further, WHAT'S NEWS PRODUCTION is not on record in Mauritius.

Mr Speaker, Sir, it is known that when a person is released on bail under certain conditions, it is his duty to respect the conditions of his release on bail. Police is not expected to interfere with the conditional freedom of such a person. However, it is the duty of the police to ensure that the conditions of release on bail are strictly complied with. In the case of Mr Caterino, I am informed that, since his release on bail for the first time in October 2007, he had always been complying with all the conditions of his bail.

In regard to part (b)(ii) of the question, according to the Commissioner of Police, the last time Mr Caterino reported to Bel Ombre police station was on Friday 26 June 2009 at 1122 hours. Thereafter, he was supposed to report to the police on Monday 29 June 2009, but he failed to do so. On 04 July, 2009, the police looked for him at Movenpick Hotel but, he was nowhere to be found. The police then initiated an enquiry and, according to the enquiry, he was last seen leaving the premises of Movenpick Hotel on 27 June 2009 at 0920 hours, but did not come back since then.

I should say here, Mr Speaker, Sir, that, following the disappearance of Mr Caterino, police has been conducting an enquiry into his whereabouts, the more so that his personal belongings were still in his hotel room.

Thereafter as the police was unable to locate him in Mauritius, Interpol has been alerted on 08 July 2009 and requested to trace him and arrest him. This enquiry is still ongoing, Mr Speaker, Sir. I can say to the House that several persons have been interviewed - brought to the police station and interviewed – but he still has not been traced, and it is believed that he might have left the country. The police, as I said, is pursuing its enquiry into the matter.

Mr Speaker, Sir, it is a fact that police should have raised the alarm as from 1900 hours on Monday 29 June 2009. In this respect, I understand that the Commissioner of Police has initiated disciplinary action and the Officer-in-Charge of Bel Ombre police station has been interdicted with effect from Saturday 11 July 2009.

On 13 July 2009, a Warrant of Arrest has been issued against Mr Caterino and his surety of Rs800,000 has been forfeited. Also, the Interpol General Secretariat, based in France, has been requested to publish a Red Notice against Mr Caterino. The authorities in Reunion Island

and the *Attaché de Sécurité Intérieur* of the French Embassy in Madagascar are also assisting police in the enquiry.

Mr Speaker, Sir, I wish to point out that according to the French “*Code de Procédure Pénale*”, France does not extradite its own nationals. Nevertheless, a diplomatic note has been sent to the French authorities requesting them -

- to confirm the presence of Mr Caterino in French territory;
- to advise whether it would be possible for them, in case they locate him to consider his extradition to Mauritius, and
- if extradition of Mr Caterino is not possible, whether they could consider whether he had committed an offence under French law in relation to the possession of 51,863 “Subutex” tablets and prosecuting him for such offence.

Mr Speaker, Sir, in regard to part (c), no one has been arrested so far, and police enquiry is still proceeding. Several persons have been brought in for questioning but the enquiry is still ongoing.

In regard to part (d) of the question, no formal report has yet been received from France and Reunion Island. However, communication has been established by the police with the relevant authorities there.

Mr Speaker, Sir, the facts that I have just highlighted speak for themselves. It is apparent that a lack of timely exchange of information and coordination, as well as a lack of vigilance, has created circumstances that allowed a convict to leave the country undetected. I have, therefore, decided to set up a High Powered Committee to look deeply and thoroughly into the failings and possible loopholes this case has revealed, and to make such recommendations as it deems fit to prevent any such recurrence, as well as to ensure that the country is adequately protected against surreptitious entry on or along our coastline. We are also looking at the possibility of whether we can, in fact, make use of electronic bracelets that has been the topic of some discussions lately.

Mr Speaker, Sir, I should like to inform also the House that a Coastal Radar Surveillance System is being purchased with the assistance of the Indian Government. This system is an important tool which will enhance the operational capabilities of the National Coast Guard in the safeguard of Mauritius EEZ. This system is expected to be installed in October this year.

Finally, I wish to point out that I have on many previous occasions stated that, however much, like a number of other hon. Members, I wish that bail be refused to suspects in serious cases. The Supreme Court and the Privy Council have on several occasions held that the Executive and the Legislature cannot under our Constitution, as it presently stands, interfere with the powers of Judiciary to refuse or grant bail whether objected to or not. Maybe, on the day that there is a consensus in this House, we will have to make appropriate changes to the Constitution to address this issue more effectively.

**Mr Bérenger:** Mr Speaker, Sir, I heard the hon. Prime Minister say that ADSU gathered intelligence that brought it to arrest the steward at Plaisance Airport. Some in the local press have reported repeatedly that it was Interpol that tipped us. Can I ask the hon. Prime Minister whether this has been the case and, if not, who tipped off ADSU?

**The Prime Minister:** I have also seen this report, Mr Speaker, Sir. I have asked the question. In fact, it was not Interpol; it was ADSU's own gathered intelligence, and they arrested him at the airport.

**Mr Bérenger:** I won't insist to know the source, being given that ADSU might have to use that again, being given the Subutex saga is ongoing. Has the hon. Prime Minister been made aware of the possibility that this tipping off and the way the whole affair developed might have been caused by a turf war between Brown Sugar traffickers and Subutex traffickers? As we know, over the last four years, Subutex has taken over completely from Brown Sugar. Has the hon. Prime Minister been made aware of that possibility? Has it been looked into?

**The Prime Minister:** In fact, Mr Speaker, Sir, I did answer a question in Parliament. If you look at the figures, it is dramatic. The minute that heroin and Brown Sugar have started going down, that's the time that it seems to have been replaced by Subutex. In fact, heroin and Brown Sugar have been constantly going down dramatically and, obviously, is being replaced by Subutex.

**Mr Bérenger:** I am sure the hon. Prime Minister is not surprised. I am not! My question was: whether the possibility that there was a turf war has been enquired into.

**The Prime Minister:** Well, there is no evidence of a turf war. All that we know is that, in fact - and I think it is a good thing - Brown Sugar and heroin have dropped dramatically and have been replaced by Subutex, which is not of the same category, I should add.

**Mr Bérenger:** Has the hon. Prime Minister been made aware of the very strange behaviour of some police officers at Mahebourg Court and at the Intermediate Court to the extent that, at one point, the Magistrate had to threaten one police officer with perjury if he 'kept on making mistakes'? And, in his judgment in the Intermediate Court, I quote what the Magistrate wrote -

"We find that there has been a blatant disregard of established procedures by police officers who were involved in the enquiry. Such conduct cannot be condoned."

And he goes on to say -

"The time is not far away when no citizen will feel safe in this country."

He made those comments in the light of the behaviour of certain police officers. Has this been looked into? Concerning what the Magistrate said, what sanctions have been taken at that level, now that a sergeant has been interdicted? Have sanctions been taken and has it been looked into whether - again, this turf war - the Subutex gangs have not interfered with certain police officers?

**The Prime Minister:** It is very difficult to say whether they have interfered or not, Mr Speaker, Sir. In any profession, in any field you always have some black sheep. It is difficult to know. Just like in this case, why the police officer who was supposed to check on him on 29 June did not do so? Again, we have to ask this question. That is why he has been interdicted and, again, I know that the Commissioner of Police is looking into the matter.

**Mr Bérenger:** Concerning bail, Mr Speaker, Sir, was it fully brought to the attention of the Director of Public Prosecutions that they are dealing with a foreigner, who had admitted bringing in suitcases on three other occasions? That was the fourth occasion that he was bringing a suitcase for the same gentleman – I will come to his name later on, a Mauritian in Paris, who is

his contact there. So, he had brought suitcases on three previous occasions. This was a foreigner, and he had been caught with more than Rs40 m. of Subutex. Had all this been brought out to the attention of the Director of the Public Prosecutions?

**The Prime Minister:** Yes, not only had this been brought out, Mr Speaker, Sir, but it was also pointed out that he is likely to abscond. It was pointed out that, in the past, we have had people who have escaped, again in this country, after having been convicted on trial - both of them with French passports. This was also brought out to him.

**Mr Bérenger:** The hon. Prime Minister mentioned the possible use in the future of electric bracelets. Indeed, this is a case where it could have been used. Better late than never! Can I ask the hon. Prime Minister whether he is satisfied that all the required conditions, precautions were put before the court by the police, so that this should not have happened?

**The Prime Minister:** It is my understanding, Mr Speaker, Sir, that all this was brought. That is why the police objected to bail. All this was made clear that, in fact, in the past, people have absconded after having been found guilty and on bail. But, as the hon. Leader of the Opposition knows, I suppose two things played. I am not justifying anything, but I am just saying that I suppose, because the Magistrate did say that this was not, at the time, under the schedule for trafficking of drugs. We amended the Act in Parliament and even afterwards it was pointed out to them that, in the past, people have left the country. But, as the hon. Leader of the Opposition knows, both the Supreme Court and the Privy Council have many times pointed out that it is not for us - even though we object to bail - but for the Judiciary to decide whether to grant bail or not.

**Mr Bérenger:** Concerning the other part of my question, how long after he failed to report to the Bel Ombre police station, the Police Headquarters was alerted? As the hon. Prime Minister said, the dates and the facts speak for themselves. The alarm should have been raised as from 29 June. The police went to look for him on 04 July. I would like to know when the Headquarters was alerted; for Interpol, it was on 08 July. So, it seems to me that it is not just the sergeant at Bel Ombre police station who is to be blamed in that. Has this been looked into? Has the hon. Prime Minister looked into that? So far, I have heard that disciplinary action has been taken against the sergeant. But others have wasted precious time also.

**The Prime Minister:** I understand, Mr Speaker, Sir, the procedures are like this. You cannot just go and alert Interpol. You have to do your own enquiry, satisfy yourself that the person has escaped and then only you can inform Interpol. And that is the procedure that has been followed.

**Mr Bérenger:** The next part of my question is whether anyone has been arrested locally. The answer is 'no', from what I heard the hon. Prime Minister say, and I am very surprised. Is the Prime Minister aware that it was established before the court and afterwards that on two other occasions, the same Air France steward delivered suitcases to people in Mauritius? In one case, it was an old man in his 70s, in another case, two young men. Can we know whether these people have been traced up and what action has been taken?

**The Prime Minister:** I think I did answer a question on that in the past, Mr Speaker, Sir. In all these cases, the police have had an enquiry, have interviewed them, have brought the case to the DPP, but not enough evidence was found, they appeared to know nothing and, they were not arrested.

**Mr Bérenger:** Can I know whether a full enquiry has been carried out or is being carried out by the police concerning the local contacts of that Air France steward with local people, with other members - not all - of Air France staff and whether this Vincent Lejeune connection has been fully investigated into?

**The Prime Minister:** I should say that - obviously, the hon. Leader of the Opposition mentioned it – not only local contacts, but also Air France stewards who not only came to the court when he was being tried, but who have also helped to put him up at the hotel. All this is being enquired into.

I think there was another part in the hon. Leader of the Opposition's question about Vincent Lejeune; this also is being fully enquired into.

**Mr Bérenger:** Mr Speaker, Sir, one of the most shocking aspects of this case is that the main accomplice of the Subutex gang that brought in the Subutex and of the steward is a Mauritian established in France and working in the Security Services at Charles de Gaulle Airport, and as the case developed in court, the Air France steward referred to him as 'Michael' on several occasions - a Mauritian established in France working as a security agent who, I understand, quite high in the hierarchy at the French Charles de Gaulle Airport. Has this been fully looked into? Have the French authorities collaborated fully? We know where this gentleman is now.

**The Prime Minister:** Mr Speaker, Sir, it would be good for me to say that, in fact, it was our police here who informed the French authorities who were not aware that this man was working at the Charles de Gaulle Airport. In fact, it was we who informed them that he is working there and that they have to take whatever action they want to take.

**Mr Bérenger:** Is the hon. Prime Minister aware that this same Michael was involved not just in this last case but that, on four occasions, he accompanied the Air France steward as a professional dodging camera, going where it was safest and so on? So, I want to know whether we have raised that with the French authorities, and what has happened to that chap.

**The Prime Minister:** I explained, Mr Speaker, Sir. In fact, it was the local police here who drew the attention of the French authorities that this guy is working as Security Officer at Charles de Gaulle airport. It is for them now to take whatever action they want to take. They said that they are going to inquire into the matter.

**Mr Bérenger:** So, I take it that, until now, we don't know what has happened to this gentleman.

**The Prime Minister:** What I have said is that the French authorities were alerted about this. They said they were going to inquire into it, but we cannot go and ask them what they are doing. They are inquiring on their side. What they have done or not done, we can find out later.

**Mr Speaker:** Can I go to hon. Mrs Jeewa-Daureeawoo first? Three questions have been put in writing by two hon. Members; I will give them priority. If she doesn't want to put questions, it is alright. I give the floor to hon. Jugnauth.

**Mr Jugnauth:** Mr Speaker, Sir, I am happy to hear the hon. Prime Minister say that he is in favour of not granting bail in very serious criminal matters. I also note that the Constitution has to be amended. Would the hon. Prime Minister consider bringing appropriate legislation, even if we have to amend the Constitution, for each and everybody to take his responsibility?

Because I heard the hon. Prime Minister say that there is no consensus. But, at least, we can have a debate in this House and see whether we can move forward with that.

**The Prime Minister:** Yes, I have mentioned it many times. That's one of the reasons why I have said that we should have a majority to amend the Constitution. It is one of the reasons; there are other reasons as well. I would be very happy to bring it to Parliament and then we decide, because as it is we cannot do anything else.

**Mr Bhagwan:** Mr Speaker, Sir, can I know from the hon. Prime Minister whether the police authorities have inquired as to who are the persons who paid the bail for this gentleman? A lot of money has been involved; we have the figure of Rs800,000 even before. This is very serious, because somebody who is accused is in police custody. We would like to know who those persons are, and whether they form part of the local mafia of the Subutex affair, which has collected and kept money and then paid the bail for that gentleman. Can we know from the Prime Minister whether such an inquiry has been conducted? Can he, at least, have an indication as to who that person is?

**The Prime Minister:** Mr Speaker, Sir, in fact, the inquiry is being conducted. What is even more strange, Mr Speaker, Sir, is that when the bail was asked - I think it was Rs1.2 m. - he said that he can only pay Rs200,000. The first time, he gave Rs200,000 cash - not the amount; this was reduced. The second time, when the police again asked for Rs1.5 m., then the court decided that it should be Rs800,000. It is strange that the first time he said he could not pay more than Rs200,000, and the second time he paid Rs800,000 cash. All this is being inquired into. I can tell you that it is being inquired not just by the police but by other organisations as well, which I don't want to go into.

**Mr Bhagwan:** Mr Speaker, Sir, we all know about the *ramification* of the Subutex affair, which we have discussed over the past three years. We have the Sada Curpen, Marcellin Humbert and Cindy Legallant sagas. The Prime Minister has mentioned that a High-Powered Committee is being set up to look into the loopholes in the police department. I think it is time for Government to set up not only a High-Powered Committee to look into the loopholes, but also into all the sagas. There can be a Commission of Inquiry, presided by a former Judge of the Supreme court, to look into these big sums of money and see whether audit trails are carried out on people who are involved, and have their wealth seized. I know, at least, of one case where the wealth of people was seized. For example, if somebody was using a bicycle and now he is using four vehicles, this can be done.

**Mr Speaker:** The hon. Member has made his point; he must let the hon. Prime Minister reply.

**The Prime Minister:** Mr Speaker, Sir, I don't know whom the hon. Member is talking about when he mentions the bicycle and the 4 x 4, but this is being looked into. Maybe, I should say it here in the House that I am even looking at the possibility of having – if we do not get the results – a foreign expert to look at these audit trails.

**Ms Deepalsing:** Mr Speaker, Sir, in his answer, the hon. Prime Minister mentioned the sale of a pleasure craft. May I ask whether it is in order for an individual to sell a pleasure craft to a foreigner, and whether the amount for which the pleasure craft was sold was in order, and if an inquiry is being instituted in that?

**The Prime Minister:** Not only an inquiry is being instituted - I don't want to give details of the inquiry- Mr Speaker, Sir, but I can tell you that it is felt by the authorities that the amount paid was much less than the value of the pleasure craft itself.

**Mr Bodha:** Mr Speaker, Sir, we don't have an extradition treaty. We know that on the issue of the principle of reciprocity of international affairs, we can make a request to the French Government and, in fact, the French Government did make use of this procedure in the case of Naguib Heeralall. May I ask the hon. Prime Minister whether this has been done?

**The Prime Minister:** I did mention that we have asked the French authorities for this. A *note verbale* has been sent.

**Mr Lesjongard:** M. le président, dans cette nouvelle saga de 'Prison Break' à la mauricienne, est-ce que je peux demander à l'honorables Premier ministre s'il peut confirmer s'il y a eu complicité du personnel navigant commercial d'Air France dans toute cette affaire?

**The Prime Minister:** It hasn't been established. Mr Speaker, Sir, let's not forget that it is the police, ADSU which gathered information and arrested him. So, when the hon. Member talks of saga, it is as if nothing has been done. He has been arrested, and there's not just that; there are other cases as well. There are numerous other cases where people have actually left the country. I point out to hon. Lesjongard that it is not the first time that this is happening. He should not try to make politics out of a national issue. It is not the first time that this has happened. I can give him a list of when this happened, when he himself was in Government.

**Mr Varma:** Mr Speaker, Sir, could the hon. Prime Minister inform the House whether prohibition and freezing orders were applied for by the police in this case? That is, the person could not leave the country, also on his assets, and whether he had any bank account.

**The Prime Minister:** I know prohibition orders were given by the police. I don't know about the assets, I'll have to check.

**Mr Bhagwan:** *Le Premier ministre a souvent informé la chambre qu'il serait intraitable avec certaines brebis galeuses qui sont impliquées dans ce genre d'affaire.* Can we have a firm commitment from the hon. Prime Minister that, following the inquiry which is being done not only by the police but by other sources, if it is found that people very close *du milieu du gouvernement ou autrement...*

*(Interruptions)*

**Mr Bhagwan:** Je n'ai pas terminé.

**Mr Speaker:** Order!

**Mr Bhagwan:** Je n'ai pas mentionné de noms.

*(Interruptions)*

**Mr Speaker:** Order! Order, please!

**Mr Bhagwan:** *Du gouvernement ou autrement. Ecoutez!*

*(Interruptions)*

**Mr Speaker:** Order!

*(Interruptions)*

Order, now!

**Mr Bhagwan:** It is my right to put questions! I am not mentioning names!

**Mr Speaker:** All right! The hon. Member must put his question.

(*Interruptions*)

Hon. Bhagwan, put your question. If there is anything unparliamentary, I will stop the hon. Member. I don't want any interference.

**Mr Bhagwan:** I am not playing politics; I know what I am saying. I want to know from the hon. Prime Minister whether, if the inquiry reveals that the one who paid the bail, gave money, that severe action...

**Mr Speaker:** I am sorry! This is not allowed according to our Standing Orders, because it is a hypothetical question. Hon. Leader of the Opposition!

**Mr Bérenger:** Mr Speaker, Sir, if you will allow me. I didn't hear the hon. Prime Minister say there is no consensus concerning amending the Constitution to tighten control on people who have been sentenced and so on. I am sure that the hon. Prime Minister will agree with me that it is a very delicate issue. We can amend the Constitution, but we can be in conflict with international conventions that we have ratified. So, can I ask whether it would not be advisable to have the amendment circulated early, so that we have a thorough look at it *à tête reposée*? Because, on the one hand, is the need to redress drug trafficking, Subutex trafficking, crime in general, but, on the other hand, there are individual rights that are enshrined not only in our Constitution but in international conventions that we have ratified.

**The Prime Minister:** Yes. In fact, what I said is 'maybe on the day that there is consensus', because I don't know whether there is consensus or not. I take the point. It is an issue *à double tranchant*. We must look at it very carefully. I have no objection to have it looked at once we decide and circulate it, so that Members can have a proper look at it, because it is an important constitutional amendment. If we do it, how will it affect the other Conventions that we have signed? The other thing, Mr Speaker, Sir, very often, the sentences, in some cases, are relatively lighter than it could be. After so many years, the convicted persons get out on supposedly good behaviour, and we see them again doing the same offence. I am a firm believer that if you are condemned for 30 years, it should be 30 years. But, maybe, that again is an issue that we have to look at very carefully.

**Mr Bérenger:** This Subutex saga has been going on for four years, and the hon. Prime Minister, himself, has confirmed that, as Subutex went up, other drugs went down. The hon. Prime Minister, in that kind of context, has referred to a local High-Powered Committee. Can I put it to him whether, after the arrest of that Air France steward, of Ved Bucktowar, of Sada Curpen, of Cindy Legallant and Marcelin Humbert and the involvement of the Attorney General and of one PPS, a full commission of inquiry will be set up?

(*Interruptions*)

**Mr Speaker:** Order! Order! The hon. Leader of the Opposition knows very well that this is imputing motive and casting aspersions.

(*Interruptions*)

I am sorry! But this is the rule!

*(Interruptions)*

But this is my ruling! I am telling you!

**Mr Bérenger:** I can put my case.

*(Interruptions)*

**Mr Speaker:** Order! I will call the attention of the hon. Leader of the Opposition to Standing Order 40 subsection (5).

**Mr Bérenger:** I have talked of the involvement. The fact that they have been involved has been proved.

**Mr Speaker:** If the hon. Leader of the Opposition is satisfied that with his information there has been involvement, he has to ....

**Mr Bérenger:** It has been ...

*(Interruptions)*

**Mr Speaker:** Order! He has to come with a substantive motion as per our Standing Order. I am sorry, this is our Standing Order! I will request him to withdraw that last part starting from 'involvement, etc...

**Mr Bérenger:** Everybody knows that their involvement...

*(Interruptions)*

Everybody knows.

*(Interruptions)*

**Mr Speaker:** Order! Hon. David, order! Do you understand me? Or you should come and take my place! I will request the hon. Leader of the Opposition to reserve his right to come with a motion, but to withdraw that part.

**Mr Bérenger:** I know the involvement of two Members of the House. The involvement has been established. If you order me to withdraw it, I withdraw, although the facts have been established.

**Mr Speaker:** No qualification! You have withdrawn. There is no qualification.

**The Prime Minister:** Mr Speaker, Sir, it is very easy to throw mud on people. For example, is it a coincidence that, on 26 June, a Senior Counsel asked for postponement and it is on the same day that he makes the plan to leave? Is that a coincidence? I can also impute motives. But I am not saying so, because people can draw the inference they want to draw.

**Mr Speaker:** The Prime Minister can make a statement of facts, but he cannot say that there has been a connection.

**The Prime Minister:** That is not what I am saying, Mr Speaker, Sir, but it is not right that you make inference on things that are not based on facts. This is a fact that on the 26 of June, his Senior Counsel, Mr Ivan Collendavelloo, asked for the case to be postponed, and on the same day he leaves.

**Mr Speaker:** Time is over! The Table has been advised that Parliamentary Questions No. B/805 with regard to the State Trading Corporation and No. B/809 with regard to the double

jeopardy addressed to the Dr. the hon. Prime Minister will be replied by the hon. Minister of Business Enterprise and Cooperatives and the Attorney General. Questions addressed to the hon. Prime Minister!

### **AVENUE ROSIERS/TALIPOTS, QUATRE BORNES – ROAD ACCIDENTS**

**(No. B/796) Ms K. R. Deepalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to road accidents, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if cases thereof are reported to have occurred at or in the vicinity of Avenue Rosiers and Avenue Talipots, in Quatres Bornes, and, if so, the frequency thereof over the last three years, indicating if any of them has been fatal.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that nine cases of road accidents are reported to have occurred in the vicinity of Avenue Rosiers and Avenue Talipot in Quatre Bornes from 2006 to 09 July 2009.

The road accident, which occurred on 08 February 2009, was a fatal one.

Following a site visit effected by officers of the police force and the Traffic Management and Road Safety Unit, they have concluded that the junction of Rosiers and Talipots Avenues appears to be a blind junction. While proceeding towards Rosiers Avenue, drivers, it seems, have to stop their vehicles beyond the stop line to proceed forward.

With a view to reducing the occurrence of road accidents at this junction, action is being taken on two things. First of all, they are going to install traffic mirrors at that junction and also they believe putting a hump along Rosiers Avenue will help.

**Ms Deepalsing:** Mr Speaker, Sir, I thank the hon. Prime Minister. Actually, the problem that arises at the corner of Rosiers and Talipot Avenues arises all along Rosiers Avenue through each of the junctions in Sodnac. May I ask the hon. Prime Minister whether he would ask the police to look at the blind junctions along Rosiers Avenue?

**The Prime Minister:** Yes, I can ask the police to look at that. In fact, it is not the first time. The hon. Member has asked as from 2006, where there were nine cases; in 2003, there were seven accidents and in 2002, there were six accidents.

### **POLICE RIDERS - HELMETS**

**(No. B/797) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police Riders posted at the Traffic Branch, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the frequency at which they are provided with helmets, indicating the date on which they were last issued with same.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that all Police Riders are provided with helmets, and these are replaced whenever they are worn out and broken. The last issue of helmets was effected on 07 March 2006.

**Mr Lauthan:** Mr Speaker, Sir, my information is that the helmets are really in very bad condition and they have not been provided lately. What is more surprising is that the Police

Riders have purchased helmets locally and have had to pay their helmets according to the prescribed colours because they have not been provided with new helmets.

**The Prime Minister:** That is not my information, Mr Speaker, Sir. Whenever the Police Riders need helmets, they are provided. In fact, I should say that the last consignment of helmets – 300 helmets – were procured on 20 December 2002 at a cost of Rs1,284,000. At that date, there was a total of 347 helmets including, in other words, 47 which were already on stock. And since December 2002 to March 2006, 313 of those helmets have been issued to Police Riders, which means there are still other units there. There has been a request, Mr Speaker, Sir, for the purchase of 300 additional units of helmets in July 2005. The list of tenderers was launched, but, unfortunately, they were all unsuccessful. The police department is now thinking of bringing a major change in the procurement process. In fact, what we are saying is: whatever make of motorbike they buy, they themselves should provide the helmet; then, we won't have all these problems.

**Mr Lauthan:** Does the hon. Prime Minister have any information about whether there is any helmet presently in stock?

**The Prime Minister:** That is why, Mr Speaker, Sir, I said on 22 July 2005, there was a request for an additional 313 units because we want to keep a maximum of spares also. That request has not been successful because the tenders were not successful. That is why the police are bringing about a change in the procurement system for helmets.

**Mr Bhagwan:** May I know from the hon. Prime Minister, apart from the problem of helmets, whether he has seen – last time I raised the issue – Police Riders using these motorcycles of low saddles and many of them had to be referred to hospital for back problems?

**Mr Speaker:** It is a question about the helmets.

**Mr Bhagwan:** But they are human beings as well.

**Mr Speaker:** Now we are talking of the motorcycles. Next question, hon. Mrs Hanoomanjee!

**The Prime Minister:** I cannot say whether they actually have this kind of difficulty...

**Mr Speaker:** Hon. Prime Minister, I have asked for the next question.

**The Prime Minister:** I am sorry, Mr Speaker, Sir.

#### **POLICE COMPLAINTS INVESTIGATION BUREAU – COMPLAINTS – JULY 2008-JULY 2009**

**(No. B/798) Mrs S. Hanoomanjee (Second Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police Complaints Investigation Bureau, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of complaints received thereat, since July 2008 to date, indicating the number thereof which have been referred to the Director of Public Prosecutions.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, since July 2008 to date, 260 complaints against police officers have been received at the Police Complaints Investigation Bureau. Out of the 260 complaints, 10 cases were referred to the Director of Public Prosecutions for advice and the status of the 10 cases is as follows –

- in two cases, the DPP has advised prosecution and both cases are before the courts;
- in six cases, the advice of the DPP is still being awaited, and
- in two cases, they have been classified following the advice of the DPP.

Out of the remaining complaints, 194 cases are pending enquiry and 56 cases were classified at the level of the Central Investigation Bureau.

The Complaints Investigation Bureau, as Members know, forwards a copy of the declaration of every complaint and reports the outcome of the investigation to the National Human Rights Commission, which is meant to act as a watchdog.

Where the Central Investigation Bureau decides to classify a case, it has the duty to inform the National Human Rights Commission, which may then decide to reopen the case.

**Mrs Hanoomanjee:** Mr Speaker, Sir, the hon. Prime Minister just said that it is only after investigation that the CIB transmits the case to the DPP. Can we know, during the course of the inquiry, who investigates and under what circumstances do the police refer the cases to the National Human Rights Commission?

**The Prime Minister:** From my understanding, Mr Speaker, Sir, all the cases have to be reported to the National Human Rights Commission, but, at the same time, they continue the inquiry. In fact, Mr Speaker, Sir, as the hon. Members know, we have decided to put an independent body to deal with such matters. Although we have the Police Complaints Division, we want to have a new system of complaints where this is being created under the National Human Rights Commission. In fact, this is being done at the moment. There are some discussions going on with the National Human Rights Commission. There are some disagreements, I should say, but we are looking into that. We want to centralise it and to make sure that this investigation is done independently.

**Mrs Hanoomanjee:** Mr Speaker, Sir, I understood that only some cases were referred to the National Human Rights Commission, but I think the hon. Prime Minister just said that almost all cases are referred to the Commission. Can we get some clarification on this, please?

**The Prime Minister:** What I said was where the Central Investigation Bureau decides to classify a case, that is, it finds nothing in it, it then has a duty to inform the National Human Rights Commission, which then may decide to reopen the case.

**Mrs Jeewa-Daureeawoo:** Out of the 260 cases, may I know how many are cases of allegation of police brutality?

**The Prime Minister:** This was not asked specifically in the question, Mr Speaker, Sir. I have a list here, but I don't think they have classified it.

#### **MBC – OUTDOOR BROADCASTING VEHICLE – ROAD ACCIDENT**

**(No. B/799) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the outdoor broadcasting vehicle of the Mauritius Broadcasting Corporation, which was involved in a road accident, on or about Sunday 25 May 2008, at La Vigie, he will, for the benefit of the House, now obtain from the Corporation, information as to –

- (a) the value of the damages caused;
- (b) the outcome of the inquiry, and
- (c) if the vehicle has been repaired and if so, when.

**The Prime Minister:** Mr Speaker, Sir, as regards part (a) of the question, I am informed by the Director-General of the Mauritius Broadcasting Corporation that the outside broadcast vehicle which was purchased in June 2003 for the sum of Rs39.0 m., was insured, because it depreciates on a yearly basis. The depreciated value was value of Rs26,712,105 m.

As a result of the accident, the vehicle was declared a total loss.

The value of the damages caused to the vehicle at the time of the accident, therefore, was estimated at the time by the insurer of the vehicle at Rs26,712,105 m.

As regards part (b) of the question, the Director-General of the MBC has indicated that on completion of the departmental inquiry, disciplinary action was initiated against the driver of the outside broadcast vehicle as follows –

- (i) his annual increment for 2008-2009 has been withheld;
- (ii) his assignment of duties as transport foreman was terminated with effect from 23 September 2008, and
- (iii) he has been reverted to his previous post of driver/handyman with effect from 30 September 2008.

For his part, the Commissioner of Police has informed that the enquiry into the case has been completed, and the case has been referred to the Director of Public Prosecutions for advice.

As regards to the last part of the question, since now the outside broadcast vehicle was declared a total loss, the question of repairs, therefore, does not arise. However, I am informed by the Director-General of the MBC that the MBC has already approved the floating of tenders for the purchase of a new OB vehicle.

#### **MBC – CAMERAMEN – RECRUITMENT**

**(No. B/800) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the recruitment of cameramen at the Mauritius Broadcasting Corporation, since July 2005 to date, he will, for the benefit of the House, obtain from the Corporation, information as to –

- (a) the number thereof, indicating, in each case, their respective names, addresses and qualifications, and
- (b) if the posts were advertised, indicating
  - (i) when, and
  - (ii) the required qualifications.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I am tabling a statement giving the information requested by the hon. Member.

However, I am informed by the new Director-General of the Corporation that he is having a fresh look at the Scheme of Service for the post of Cameraman/Senior Cameraman.

**Mr Jhugroo:** Can the hon. Prime Minister say whether other candidates were more qualified than the ones selected? Will the hon. Prime Minister concede that, for such a post, an interview is not as important as the experience of the candidates concerned?

**Mr Speaker:** The second part of the question is asking for an opinion from the Prime Minister, which is not allowed. The first part of the question is allowed.

**The Prime Minister:** Concerning the question whether there were more candidates that were more qualified, I am told, in fact, that there were a lot of internal advertisements, and they chose from the internal group itself. But, as I said, this is being relooked at, because we need to have professional cameramen, as the hon. Member is suggesting.

#### FOREIGN NATIONALS – IMPRISONMENT

**(No. B/801) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the foreigners who have been sentenced to a term of imprisonment, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the number thereof who are presently serving their term in prison, indicating, in each case, the respective term of imprisonment.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Prisons that 60 foreign nationals are currently serving their sentence in our prisons.

I am tabling the information requested by the hon. Member.

**Mrs Labelle:** May I ask the hon. Prime Minister whether, among these prisoners, there are nationals who are from countries with which we have a treaty, so that they can have their sentence in their respective countries? May I know whether we have such treaties for some of these prisoners?

**The Prime Minister:** In fact, we have prisoners from certain of the countries where we have this treaty, and the reason they are still here is that they must be ready to accept them; then, they can go.

**Mr Bérenger:** Can I ask the hon. Prime Minister whether he can confirm that, in the case of India, for example, the authorities there have said yes and have received a number of convicted people, but that this has not been in the case concerning other countries, including South Africa? Has the situation changed?

**The Prime Minister:** We have repeatedly asked the South African authorities whether they would agree to this. Their views are that they have done their criminal acts here, and so they should be treated here.

**Mrs Labelle:** May I ask the hon. Prime Minister whether he has information as to the number of such prisoners who have been involved in drug trafficking?

**The Prime Minister:** I know many of them have.

**Mr Speaker:** This is a specific question. I think this question is not allowed.

#### ADSU – MAHEBOURG – POLICE OPERATIONS

**(No. B/802) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Anti Drug

and Smuggling Unit of Mahebourg, he will, for the benefit of the House, obtain from the Commissioner of Police, since 2007 to date, on a yearly basis, information as to the number of –

- (a) police operations effected;
- (b) persons arrested, and
- (c) the amount of drugs seized in the regions of Cité La Chaux, Beau Vallon and Cité Beau Vallon.

**The Prime Minister:** Mr Speaker, Sir, with regard to parts (a) and (b) of the question, I am informed by the Commissioner of Police that from January 2007 to 09 July 2009, the number of search warrants executed by ADSU Mahebourg and the number of persons consequently arrested in the regions of Cité La Chaux, Cité Beau Vallon and Beau Vallon are as follows -

	<u>No. of Search Warrants Executed</u>	<u>No. of Persons arrested</u>
2007	51	18
2008	46	12
2009 (as at 09 July)	22	9

With regard to part (c) of the question, I am tabling a statement giving all information requested by the hon. Member, as provided by the Commissioner of Police.

**Mr Varma:** Mr Speaker, Sir, is the hon. Prime Minister aware that, in the region of Beau Vallon, there are many drug traffickers who sell the drugs in the open? I raised that matter at Adjournment Time on one occasion, and the Commissioner of Police intervened. Subsequently, there was a decrease but, now, according to information received, the sale is on the increase and the number of persons involved in the transaction is also on the increase. Could I appeal to the hon. Prime Minister to request the Commissioner to, again, have regular searches in that region and to have a permanent police presence there?

**The Prime Minister:** This happens in other regions as well, Mr Speaker, Sir. When the police take an action, you see them stop. We need to have a permanent presence according to what capacity the police can do it, but I would pass on that message to the Commissioner of Police.

#### **CONVICTED PERSONS – BAIL – OBJECTION TO DEPARTURE**

**(No. B/803) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill)** asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the convicted persons who have been released on bail pending the determination of the appeal lodged against a judgment against them, he will, for the benefit of the House, obtain from the Passport and Immigration Office, information as to the number thereof who have left Mauritius, in spite of the fact that an objection to departure order has been issued against them, since July 2005 to date, indicating if inquiries have been carried out thereinto and the outcome thereof.

*(Vide reply to PNQ)*

#### **MR C.C. - POLICE STATION - REPORT**

**(No. B/804) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to one C. C., a convict, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to when he last reported to the police station, indicating the measures that had been taken to keep an eye on him.

*(Vide reply to PNQ)*

#### **(PQ No. B/805 – See written answers to questions)**

#### **MR C.C. – SUBUTEX TRAFFICKING - ABSCOND**

**(No. B/806) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to one C. C., convicted for trafficking in Subutex, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if he has absconded and is reported to have left the country and, if so –

- (a) when, and
- (b) if an inquiry has been carried out thereinto and the outcome thereof.

*(Vide reply to PNQ)*

#### **MBC – NEWS ITEMS - COVERAGE**

**(No. B/807) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Mauritius Broadcasting Corporation, he will state if he proposes to discuss, with the new Director General, matters regarding adequate coverage of the news items to be broadcast in a fair and impartial manner as per the provisions of the Mauritius Broadcasting Corporation Act.

**The Prime Minister:** Again, I say, Mr Speaker, Sir, as the House is aware, the new Director-General of the Mauritius Broadcasting Corporation is a professional with long experience in the field of broadcasting and communication. He had already held that post between 1986 and 1988. He is fully aware that, by virtue of his contract of employment, he has to perform the duties as laid down by the MBC Act and is responsible for the control and management of the day-to-day business of the Corporation. As such, I find no reason why I should have to impress upon him the need to uphold these objects of the Corporation. I think he is doing so. I heard the hon. Member himself congratulated him.

*(Interruptions)*

One day! But, at least, it is better than zero!

Mr Speaker, Sir, having said that, I wish to reiterate to the House that the MBC is doing its level best to provide adequate coverage in the news bulletin of items considered as newsworthy. However, I need to point out that this is not an easy task, given that there is an increase in demand for coverage of various items and the plurality and complexity of the Mauritian society. But we have to manage to put some order there, I think.

Obviously, parties who feel aggrieved that the MBC is not acting in a fair and impartial manner can always avail themselves of the provisions of the Independent Broadcasting Authority Act to file a complaint against the MBC.

**Mr Bérenger:** Mr Speaker, Sir, the hon. Prime Minister is promising a new start at the MBC. He says that the MBC covers press conferences, but he must be aware that things had fallen so low recently that - I have seen that on television - at the moment when I am looking at my notes, mad minds would pick the worse images; and this has taken place systematically. Will he give us the guarantee that there will indeed be a fresh start?

**The Prime Minister:** It is good I hear the hon. Leader of the Opposition say that. Both of us have been Leader of the Opposition. When I was Leader of the Opposition, the same thing was done to me. I can tell you that I complained to the Independent Broadcasting Authority. One day, Mr Speaker, Sir, they accepted that they had made a mistake. They sent a fax to me, saying that they had made a mistake and would correct it. The next day, I don't know - the hon. Leader of the Opposition was Prime Minister then - under what pressure, they changed this and did not accept what they had said.

**Mr Bhagwan:** I have two supplementary questions, Sir. The hon. Prime Minister has spoken about the new Director. Our fear is his political professionalism. Can I ask the hon. Prime Minister if he can direct the new Director-General of the MBC on what has happened over the past weeks and years, especially in 2005 on the item 'Samachar'? Thousands of people watch 'Samachar'. When we have press conferences in the morning, these are not covered in the 'Samachar' of 6 o'clock. I don't know why the Opposition is being switched off on the item 'Samachar'.

**The Prime Minister:** In fact, this was pointed out to me. I believe they do it the next day. But I can ask them to make sure they do it on the same day.

**Mr Jhugroo:** Mr Speaker, Sir, will the hon. Prime Minister consider, with the advanced technology, to recruit qualified candidates for the MBC and not what we have actually?

**Mr Speaker:** Excuse me. The job of recruiting personnel is for the Board of the MBC and not for the hon. Prime Minister.

**Mr Bhagwan:** The Prime Minister has made mention of the IBA. He has dealt with the IBA; we have been dealing with the IBA. I think this IBA is a *bouledogue sans dent*. I have been deponing there myself. There was one recommendation which they made and there was no follow-up. Is it not time, at least, to review this sleeping *bouledogue sans dent* organisation?

**The Prime Minister:** I am of the same opinion, Mr Speaker, Sir. I think, when we speak of codes, if there is no bite, there is no sanction, nothing happens. In fact, we have to look at all this. But the minute I say this, the hon. Member starts shouting *atteinte à la liberté* or whatever. It is not! We need to have rules and regulations that bite.

#### **ILOIS COMMUNITY – CHAGOS ARCHIPELAGO - ACCESS**

**(No. B/808) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Ilois Community, he will state -

- (a) the latest developments on the issue of their right to have access to the Chagos Archipelago, and

(b) if a training centre has been set up to cater for their welfare.

**The Prime Minister:** Mr Speaker, Sir, with regard to part (a) of the question, the House may be aware that, on 22 October 2008, the House of Lords delivered its judgment on an appeal made by the British Government against the decision of the Court of Appeal in the case of Secretary of State for the Foreign and Commonwealth Affairs *VR* (on the application of Bancoult). The House of Lords allowed the appeal and quashed the decision of the Court of Appeal, thus denying Mauritians of Chagossian origin the right to return to the Chagos Archipelago.

Mr Bancoult and his legal representatives have thereafter requested the European Court of Human Rights to expedite the preliminary consideration of the application, which was lodged on 20 September 2004.

The European Court of Human Rights has informed the legal representatives of Mr Bancoult that, following a preliminary examination of the admissibility of the application on 17 February 2009, a notice of application has been given to the UK Government inviting the latter to submit their observations by 12 June 2009. The UK Government has requested for an extension of the deadline for submission of its explanation until 17 July 2009.

I am further informed that the European Parliament has, on 25 March 2009, adopted a resolution in the context of an Economic Partnership Agreement between Eastern and Southern African States on the one part and the European Community and its Member States on the other part. Paragraph 41 of the resolution says, and I am quoting -

“recognises the plight of the people of the Chagos Archipelago, who have been forcibly removed from their islands and are currently living in a state of poverty in the islands of Mauritius and the Seychelles, and considers that the Union should work towards trying to find a solution for the Chagossians to allow them to return to their rightful homeland islands”.

While the right to return to the Chagos Archipelago is denied to Mauritians of Chagossian origin, the right of access to the other islands of the Archipelago is subject to strict permit requirements under the so called BIOT Order. I should perhaps remind the House that, as far back as October 1997, when I met the then Secretary of State for Foreign Affairs, the late Mr Robin Cook, I raised the issue of the Chagos Archipelago and canvassed the need for negotiations between our respective States for the resettlement of the Mauritians born in Chagos and their descendants on Peros Banhos and Salomon Islands. I also stated that we could start by allowing the islanders to visit those islands not directly concerned for defence purposes. There was no clear commitment on the part of the UK Government at the time, although I must say the late Mr Robin Cook said he was not personally against the idea and would discuss the issue with the US Authorities.

Subsequently, in the margins of the CHOGM Meeting held in Malta in November 2005, I met the then British Prime Minister, and discussed the issue of Chagos Archipelago and finalised the humanitarian visit by the Chagossians to the islands under the joint authority of the Government of Mauritius and the UK Government. Government had insisted that this visit could only take place if no permit were required from the British Authorities for any Mauritian to have access to these islands. The House will recall that this visit took place between 30 March and 10 April 2006.

Mr Speaker, Sir, in a reply to PQ B/1275 at our sitting on 25 November 2008, I also informed the House that, following meetings I have had with the now British Prime Minister, Rt. hon. Gordon Brown, the holding of the first meeting of senior officials level was scheduled for January of this year. Accordingly, a first round of dialogue at senior officers' level was held in London on 14 January 2009. Mauritius again set out its views on the sovereignty issue and both sides agreed to maintain a dialogue on a range of related issues. The next round of dialogue will be held in Mauritius later this year on a date to be agreed upon by both parties.

The House will also recall, Mr Speaker, Sir, that, at its sitting of 14 April 2009, in reply to a Parliamentary Question, I informed the hon. Members of discussions I had with the US Authorities in February of this year during my visit to Washington, where I apprised them of our stand on the Chagos Archipelago in particular the island of Diego Garcia. I sought their support for an amicable settlement of the long standing dispute between Mauritius and the United Kingdom on the Chagos Archipelago.

Insofar as the second part of the question is concerned, I understand that the project for a '*centre de formation pour les Chagossiens*' has been initiated. The centre, which will be situated at Pointe aux Sables, will be financed by the European Union and the British High Commission. The project will be ready, I believe, by early 2010. The activities of the centre will include, *inter alia*, training of its members, education for primary and secondary Chagossians students, courses in English and Creole for the Chagossians (especially women), designed to promote the Chagossian culture, music and other artistic activities.

**Mr Bodha:** Mr Speaker, Sir, may I ask the hon. Prime Minister what was the outcome of the first meeting at the level of the higher officials early this year?

**The Prime Minister:** I didn't give the details of the outcome, because we are still discussing. We have clear differences; each side has more or less maintained its position on the issue of sovereignty. We had our legal adviser there, and he was allowed to follow. He himself talked to me, and he was surprised at the cordial atmosphere there was, and the reaction. For the first time, we see this kind of more amenable reaction. That is why we want to follow up on this dialogue.

**Mr Bodha:** May I ask the hon. Prime Minister whether the issue of involving the United States was also raised at this point in time?

**The Prime Minister:** Yes. As you know, very often one tells the other, and they do this thing. That is why I took the issue also when I was in the US in February.

**Mr Bodha:** May I ask the Prime Minister whether the centre is already opened?

**The Prime Minister:** No. I said it will be ready in 2010.

**Mr Bérenger:** The hon. Prime Minister, I am sure, will agree with me that we all stand for the welfare of the Chagossians and for their right to return to their home islands. But the hon. Prime Minister has referred to the European Parliament and to the House of Lords. Is the hon. Prime Minister aware - I am sure he is - of the fact that when that issue is being raised in the European Parliament, in the House of Lords and in the House of Commons, the attitude is for the welfare of the Illois, but it is as if taken for granted that the Chagos Archipelago are the property of UK? Can I ask whether we have made the point to the European Parliament, to the House of Lords, the people concerned, to the House of Commons that this is not the case?

**The Prime Minister:** In fact we have, Mr Speaker, Sir. I also made the point in the United States in February. But we have repeatedly said that we do not agree that this was the position, when Mauritius was not an independent sovereign country at the time, and that we were not in a position to do whatever. There is after all evidence that the then British Prime Minister, Harold Wilson, thought that they did not even have to inform us of what they were doing. He was put under pressure to inform us. That is what he said in some quarters. But we repeatedly say that to them.

**Mr Bérenger:** Fair enough that the hon. Prime Minister himself has raised it either in London or in the United States. But when this has been raised in the European Parliament, in the House of Commons, have our Embassy there or the foreign affairs here gone to them directly, that is, the Chairperson of the committee concerned, the Chairman of the European Commission - there is an All-Party Committee in the House of Commons and in the House of Lords - informing them directly of our stand?

**The Prime Minister:** I don't know whether they have been informed directly as such, Mr Speaker, Sir, but I know that, through the Foreign & Commonwealth Office, it has been again repeated that what they are saying in the House of Lords or whatever is not true; and that we maintained that situation. But, perhaps, we should also deal directly.

**Mr Speaker:** Time is over! Questions addressed to hon. Ministers.

#### **SEA CUCUMBER – SPECIES, EXPLOITATION, MARKET VALUE, EXPORTATION**

**(No. B/813) Mr J. C. Barbier (Third Member for GRNW & Port Louis West)** asked the Minister of Agro Industry, Food Production & Security whether, in regard to the sea cucumber, he will state the -

- (a) number of species thereof;
- (b) regions which are being exploited;
- (c) operators authorised to exploit same;
- (d) volume and quantity of the catches, since 2006 to date, on a yearly basis;
- (e) market value thereof, and
- (f) countries to which they are being exported.

**Mr Faugoo:** Mr Speaker, Sir, with regard to part (a), there are 12 species of sea cucumbers, commonly known as *bambara*, which are mainly caught in the lagoon of Mauritius.

With regard to part (b), sea cucumbers are collected in the following regions around Mauritius: Grand Gaube, Poudre d'Or, Roche Noire, Poste Lafayette, Palmar, Trou d'Eau Douce, GRSE, Grand Sable, Mahebourg, Le Bouchon, Riambel, Baie du Cap, Le Morne, La Gaulette, Albion, Baie du Tombeau and Trou aux Biches.

With regard to part (c), Mr Speaker, Sir, there are 12 operators involved in the collection and processing of sea cucumbers in Mauritius. I am tabling a list of the operators involved in the exploitation of sea cucumbers in Mauritius since 2005.

With regard to part (d), the quantities of dried sea cucumbers produced in Mauritius from 2006 to date are as follows -

<b>Year</b>	<b>Quantity (tonnes)</b>
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2006	94
2007	50
2008	21
2009 (January to date)	5

With regard to part (e), the market value of dried sea cucumbers per kg varies from US\$5.3 (low value species) to US\$13.2 (for high value species). So far, the total export value of dried sea cucumbers amounts to around Rs60 m.

With regard to part (f), the main export markets for the dried processed sea cucumbers are Hong Kong, Singapore and Taiwan.

**Mr Barbier:** I did not hear the Minister mention catches from Rodrigues and Agalega. Can the Minister give information about the exportation of same in Rodrigues and Agalega?

**Mr Faugoo:** Mr Speaker, Sir, in fact, the question relates to Mauritius, but I have the figures for Rodrigues. The quantity collected for the year 2007 was 28.6 tons, and for 2008 it was 6.5.

**Mr Bérenger:** I think I heard the hon. Minister say that, since 2005, there have been 12 permits. Can I know what was the situation before and, apart from these 12, how many are operating, how many have permits?

**Mr Faugoo:** As at date, all the 12 are operating. But I must say that there was a closed season from January to March of this year, and also Government has taken a decision to give a moratorium, sort of stop the activity for two years, which will start as from 01 August, this year.

**Mr Bérenger:** Better late than never. Again, in this case, we know that it has been *un vrai massacre à Maurice et à Rodrigues*. It started not only in Agalega, but even in St Brandon. Does that moratorium apply to both St Brandon and Agalega?

**Mr Faugoo:** Yes, it applies to all the places, Mr Speaker, Sir.

**Mr Jhugroo:** Can the hon. Minister inform the House which private company is engaged in the business of sea cucumber from Agalega?

**Mr Faugoo:** I think it is a joint venture between FIT (Fishermen Investment Trust) and Bright Water Company Ltd.

**Mr Lesjongard:** Mr Speaker, Sir, in view of the figures that the hon. Minister has given over the years, that is, from 2006 to date, from 94 tons to 21 tons of catches per year, does not he believe that we have overexploited our lagoon with regard to sea cucumber and that it is now high time to impose a quota as to catches on a yearly basis?

**Mr Faugoo:** I have answered this question, Mr Speaker, Sir. There was always a quota being imposed. In fact, we have reduced the quota, which originally stood at 90 tons per year, to 35 tons this year, and we are going to stop this activity, as I said, from 01 August. All the permits which were given were based on certain studies which were carried out, and basing ourselves on the studies and on the status of the stock, we had given the permits.

**Mr Dowarkasing:** Mr Speaker, Sir, the hon. Minister will reckon that sea cucumber is a very important element in our ecological system. Has his Ministry ever conducted a study, to know the importance of such an element in our eco system, and see how far can we go about

exploiting the sea cucumber?

**Mr Faugoo:** Mr Speaker, Sir, we have done three surveys to see the evolution of the stock, and we are aware of the importance of sea cucumbers for our marine eco system. This is why we have, first of all, in a very short lapse of time, regulated the activity, and we have imposed lot of conditions to control the catch of sea cucumbers.

**Mr Barbier:** May I ask the hon. Minister whether he is aware of an adverse report from the Albion Research Centre concerning the exportation of sea cucumber? Is the Minister going to stop this exploitation for a period of time or have any control on the exploitation, or simply stop the exploitation until any further report from the Albion Research Centre? I would also like to know which authorities are licensing this type of exploitation. May we have the list of these persons who are licensed to do so, be it companies or individuals?

**Mr Faugoo:** I think I have answered most of the questions and the issues which have been raised. As I said, this activity is regulated now, and they need a license from the Permanent Secretary of my Ministry. When we issue the license, there are, at least, 20 conditions which they need to comply with. One of the conditions is that they have to respect the minimum size. They have to catch with their hands and not with any sort of machine, and the minimum size is 15 cm. As I said, there is a decision which has been taken at the level of Government to stop this activity as from 01 August for two years. In the meantime, we are going to monitor and see the evolution of the stock, Mr Speaker, Sir.

On the question of the persons or companies which have been licensees to carry out these activities, I have tabled a copy thereof.

#### **MUNICIPALITY OF QUATRE BORNES - WASTE-SORTING PROJECT**

(No. B/814) **Ms K. R. Deepalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the proposed project of waste-sorting at the Municipality of Quatre Bornes, he will state if his Ministry proposes to facilitate the launching thereof.

**Dr. David:** Mr Speaker, Sir, I am informed by the Municipality of Quatre Bornes that, in the context of the waste-sorting project within the township, the following measures have already been launched on a pilot basis –

- (i) two bins have been placed at the State Secondary School and St. Esprit College respectively for collection of paper waste;
- (ii) a bin has been placed with the Municipal yard near St. Jean Road in collaboration with plastic Recycles Ltd., for collection of pet bottle, and
- (iii) a bin has been placed at Trianon Shopping Centre in collaboration with “*Mission Verte*” for sorting of paper, carton, plastic bottle, cards, etc.

**Ms Deepalsing:** May I ask the hon. Minister whether the Municipality of Quatre Bornes could envisage a pilot project in the same vein as the one that has been instituted by the Municipality of Curepipe? Because, at the moment, what is happening is a kind of haphazard with different NGOs, and it is not systematic.

**Dr. David:** This is only a pilot project, Mr Speaker, Sir. I understand the financial implications are quite high, but we will look into it.

### AVENUE TULIPES, QUATRE BORNES – WIDENING

**(No. B/815) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the project for the widening of Avenue Tulipes in Quatre Bornes, he will state where matters stand.

**Mr Bachoo:** Sir, procedures for compulsory acquisition have already been initiated with respect to the widening of Tulipes Avenue in Quatre Bornes. In the meantime, the RDA is preparing the design and bidding documents for the project.

The bidding exercise will start as soon as the design and land acquisition procedures are completed.

**Ms Deerpalsing:** May I ask the hon. Minister whether, in the meantime, the road is being widened? Because when there are two cars on the road, it is so narrow that the inhabitants of residence St Jean have to basically squeeze into the bamboo on the right-hand side. Can yellow lines be put so that cars do not park, thus making it even more difficult for the inhabitants of residence St Jean?

**Mr Bachoo:** I will look into these issues.

### WASTEWATER WORKS – IMPLEMENTATION

**(No. B/816) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in regard to major waste water works being undertaken in Constituency No. 18, Belle Rose and Quatre Bornes, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to the progress of works thereat, indicating their expected date of completion.

**The Deputy Prime Minister:** Mr Speaker, Sir, as part of the Plaines Wilhems Sewerage Project, the Wastewater Management Authority is in the process of implementing wastewater works in Quatre Bornes, Sodnac, and part of Belle Rose.

The project components are the following –

- (i) construction of 1,720 manholes;
- (ii) laying of 87 km of sewer pipelines;
- (iii) construction of 13,000 house connections, and
- (iv) replacement of 50 km of potable water pipelines belonging to the CWA.

The contract, which is funded by a loan from the Chinese Government, was awarded to Joint Venture Beijing Construction Engineering Group/Sotravic on 17 December 2007. The contractual completion date is July 2012.

As at 03 July 2009, progress of works is as follows –

- (i) 235 manholes completed;
- (ii) 10,862 meters of sewer mains and 4,166 meters of potable water pipelines laid;
- (iii) 579 house connections completed, 111 were already operational and house connections were in progress, and

- (iv) full width road resurfacing has been carried out along Aquarelle Lane, Blue Lane, Ganga Lane and Maroussem Lane.

Mr Speaker, Sir, a Public Relations Committee and, more recently, a Public Complaints Committee, including the contractor, have been set up and commonest subjects of complaints received from residents have been the dust generated by excavation, the slow progress of works and the reinstatement of roads. The WMA has been instructed to ensure urgently that, following pipe laying works, the sites are cleared and tidied up. Temporary reinstatement of roads in asphaltic concrete will be carried out next week along Bernardin de St Pierre, Stevenson, Labourdonnais, Antelme Avenues and along small lateral roads in the region of Berthaud Avenue. These measures, I hope, Mr Speaker, Sir, will alleviate the hardships caused to inhabitants of the locality.

The implementation of this project has undergone significant delays, firstly due to the reported under-performance of sub-contractors hired by the main contractor, who resolved the problem by employing foreign labour. Further delays are being caused, due to delayed payment to the contractor by the Exim Bank of China. This situation is the result of lengthy payment procedures of the Bank. The Ministry of Finance & Economic Empowerment has taken up the matter with the Chinese Embassy with a view to expediting payment.

**Ms Deepalsing:** Mr Speaker, Sir, this has caused a lot of distress and, although I am very satisfied with the answer that the Deputy Prime Minister has given me, I am sure that hon. Duval and hon. Sithanen will concur that this will not satisfy the inhabitants. They don't want to know what has happened in the past. They want to know when this mess will be resolved and when all the dust and distress that this is causing to their daily life will be put to an end.

**The Deputy Prime Minister:** Mr Speaker, Sir, as it stands today in the area mentioned, it will be cleared up in two or three days and the road surfacing will be done as from Monday.

**Ms Deepalsing:** Mr Speaker, Sir, the Deputy Prime Minister has mentioned that dust is one of the main causes of especially people with asthma and other illness, and they have terribly suffered from that. May I ask the hon. Deputy Prime Minister that this re-asphalting and tidying up is done in an orderly manner and not in the mess and disorderly manner that this work has been carried out so far?

**The Deputy Prime Minister:** I agree with the hon. Member. I will see to it that the Complaint Committee and the Public Relations Committee accompany the works and report on a daily basis.

**Ms Deepalsing:** One last question, Mr Speaker, Sir. May I ask the hon. Deputy Prime Minister whether he would be kind enough for us - hon. Duval, hon. Sithanen and I - to meet with the Complaints Committee so that we can pass on the grievances of the inhabitants?

**The Deputy Prime Minister:** I would be only too happy, Mr Speaker, Sir.

*At 12.59 p.m the sitting was suspended.*

*On resuming at 2.35 p.m with the Deputy Speaker in the Chair.*

**MAURITIUS/RODRIGUES - CASINOS, BOOKMAKERS & GAMBLING COMPANIES  
- TAXES & LICENCE FEES**

**(No. B/817) Dr. A. Husnoo (Second Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the casinos, bookmakers and other gambling companies, he will, for the benefit of the House, obtain from the –

- (a) Gambling Regulatory Authority, information as to the number thereof in mainland Mauritius and in Rodrigues, and
- (b) Mauritius Revenue Authority, information as to the amount of money collected in terms of taxes and other licence fees, for each of the last three financial years.

**The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen):** Mr Deputy Speaker, Sir, with your permission, I shall reply to PQ Nos. B/817 and B/859 together. I am tabling details in respect of the number of casinos, gambling houses and bookmakers operating both in mainland Mauritius and Rodrigues.

Concerning part (b) of the question, the amount of money collected in respect of taxes and other licence fees from casinos, bookmakers and other gambling companies was Rs1,192 billion in 2006/07, Rs1,476 billion in 2007/08 and Rs1,612 billion in 2008/09.

Insofar as PQ No. B/857 is concerned, I am informed that the number of permits granted to operate horse racing gambling outlets was 20 in the year 2006, 23 in 2007, 11 in 2008, and six in 2009. Additionally, licences to operate fixed odd betting on football matches was for the first time issued in 2008, and 80 such permits were granted during that year, and 35 have so far been issued during this year.

The decision to issue these licenses was taken in view of the high level of illegal betting that was being carried out.

As for the number of Gaming House “A” licenses delivered, I am informed that five were delivered in 2005, one in 2006, five in 2007, one in 2008, and two in 2009.

Mr Deputy Speaker, Sir, the House may wish to note that a High Level Committee has been set up under the chairmanship of the hon. Prime Minister to examine all issues relating to gaming houses, casinos and betting shops, in both urban and rural area and that, pending the recommendations of the Committee, no new licenses would be granted.

Mr Deputy Speaker, Sir, as I informed the House in my reply to PQ No. B/668, I have already requested the Gambling Regulatory Authority to take appropriate measures to contain the intensity and frequency of publicity being made in respect of betting.

**Mr Varma:** Mr Deputy Speaker, Sir, could the hon. Vice-Prime Minister and Minister of Finance inform the House whether the permits which come to an end will be renewed in spite of the fact that a High- Powered Committee has been set up?

**Dr. Sithanen:** No. Pending the work and the recommendation of the Committee, no new permit is going to be issued. With respect to the renewal of permits, there are the legal implications which have to be looked into.

**Ms Deepalsing:** Mr Deputy Speaker, Sir, may I ask the hon. Vice-Prime Minister and Minister of Finance whether, in regard to casinos that are operating in an area where the Commissioner of Police believes is detrimental to public peace and order, the GRA is going to act or not?

**Dr. Sithanen:** I am aware of this particular case, Mr Deputy Speaker, Sir. I have spoken to the GRA myself on several occasions. Unfortunately, there is a court case. They have to wait for the outcome of the court case in that specific case that has been mentioned.

**Dr. Husnoo:** Mr Deputy Speaker, Sir, in view of the number of minors who are involved in gambling through mobile phones, may we know from the hon. Vice-Prime Minister and Minister of Finance what is being done to control gambling by minors through mobile phones?

**Dr. Sithanen:** I have just stated, Mr Deputy Speaker, Sir, that in view of the unintended social consequences of the policy that has been in existence for a very long time, Government has decided to set up this high level committee, chaired by the hon. Prime Minister, which would take all these into account. I would suggest that we wait for the outcome of this committee and for appropriate recommendation to be made in order to address the issue in a holistic manner.

**Mr Bodha:** Mr Deputy Speaker, Sir, may I ask the hon. Vice-Prime Minister and Minister of Finance whether an estimate has been made as regards loss of earnings relating to illegal betting?

**Dr. Sithanen:** This shows how tricky it can be. In fact, the legislation used to award these licences pre-dates July 2005. The idea behind it, Mr Deputy Speaker, Sir, was precisely to fight illegal betting, illegal gambling and the nefarious consequences of illegal betting and gambling.

We know these effects of illegal gambling. Maybe, what has happened is that the unintended social consequences have been higher. There are different countries taking different views about this particular issue. I think it is very good to set up this committee and to look at all the social, legal and other implications. It is also a big debate, Mr Deputy Speaker, Sir, between strong regulations, whether you segregate them in some specific areas like Singapore or you go for the most drastic measure.

**Ms Deepalsing:** Mr Deputy Speaker, Sir, in that particular case, as the hon. Vice-Prime Minister and Minister of Finance has answered, the Commissioner of Police has issued a letter stating, I quote -

“(...) that the continued operation of that casino is detrimental to public peace and public order”.

Mr Deputy Speaker, Sir, a court case can drag on for years and years. Can I ask the hon. Vice-Prime Minister and Minister of Finance who is going to assume responsibility if anything happens in terms of public peace and public order there? Is it the GRA which is going to assume responsibility or is that going to be put on the Commissioner of Police?

May I ask him whether, pending the court case which can drag on for years and years, the GRA is empowered, according to the GRA Act, to temporarily suspend a licence? Will the hon. Minister give directives to the GRA to temporarily suspend the licence pending the court case? Because the Commissioner of Police has said that the continued operation is detrimental to public peace and public order. The letter of the Commissioner of Police is unequivocal.

**Dr. Sithanen:** I agree on the social implications. This is not only in my constituency; it is also the area where I reside. I have spoken to the GRA and they tell me that, because there is

currently a case before the court, they cannot act. This is the information given me. They cannot act.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, can the Vice-Prime Minister say what will happen in cases where the GRA has stated and has given a letter to say that such an application has been approved provided you get also the approval of, say, the Ministry of Housing? There is a case which I had already mentioned to the Vice-Prime Minister. What will happen in such cases? As for the application for a casino in Chemin Grenier, what will happen? Will the committee chaired by the Prime Minister take also these cases? The application for that casino has already been approved by the GRA. Will it be operational?

**Dr. Sithanen:** No, I have just explained what was the idea behind giving in each town and in each village the number of these gaming houses that are permitted. This is the law and I think we need to change the law because the GRA is acting within the parameters that have been set by the law. It poses a social problem in many areas. I totally agree with this, but what we are saying is that we need to change the law. In some specific cases, when there was a threat that we were not going to renew their permit, either at the level of the municipality or some other authority, they went to court; and they got an injunction against that particular decision. One went to the Privy Council and won. What we have suggested is that all these will have to be taken into account by the committee. In some cases - let me be very honest – probably we will have to negotiate with them because there is a question that they have been there for a long time. We will have to decide on what needs to be done in the best interest of the society.

**Mr Bérenger:** Mr Deputy Speaker, Sir, I am sure the hon. Minister of Finance is aware that a lot of permits have been given without proper parking facilities and in densely populated neighbourhoods, with the result that there are families who cannot drive to their house. The children cannot come or leave home without going in front of all sorts of activities, noisy at all times of the night. Will that committee, therefore, also look at the possibility of suspending or, at least, not renewing when the date of expiration arrives?

**Dr. Sithanen:** I agree with what is being stated, Mr Deputy Speaker, Sir, but, again, it is very important that the Assembly knows how these are granted. The GRA refers to what is contained in the legislation. Let's say, in a particular town which is X, Y number of gaming A, gaming B, gaming C are eligible. Then, it is the police who make the report on whether this area is fit for such a permit to be granted and the GRA takes a decision on that basis. Now, maybe the regulations need to be changed and the law also has to be changed; and this is precisely what this committee will do.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, the issue I want to raise is about taxes. Quite some time ago, I put a question in this House regarding taxes relating to these gaming institutions. Many of them have not honoured their taxes towards Government. So, on that basis, could the hon. Minister consider suspending or even retrieving the licences of certain gaming houses?

**Dr. Sithanen:** This is one good way of doing it. We have given instructions to GRA that before renewing these licences, they have to ensure that all these people have paid their taxes to the MRA. This is done. For instance, before bookmakers' licences are renewed, they have to give a certificate from the MRA that they have paid all the taxes, including VAT. This is being done.

**Mr Bodha:** Mr Deputy Speaker, Sir, as regards again the renewal of licences, may I ask what is the length of the period for the renewal and whether any complaints by people residing in the vicinity are taken into account when we come to the issue of renewal as was in the case, for example, in Edith Cavell Street in Port-Louis for the Senator Club?

**Dr. Sithanen:** In fact, this is the problem. I think what happens in the initial stage is different from what happens subsequently. I go through my town everyday and it is awful what you see there. I have asked the question and what they said is that initially there was no protestation by people in the surrounding because they thought this would bring some activities, and give some jobs to people. The GRA has received the case mentioned by hon. Hanoomanjee. They said that this would give jobs to 100 people and what not. Initially, this is what happened. But when it opened, then people realised the downsides in terms of the impact on children, on drugs and on prostitution. And then, upon renewal, they protest. The problem, very often, when you try to suspend it, is that they go to court and get an injunction. In one particular case, they have even gone to the Privy Council and won the case. That's why, I think, there is a requirement to change the law and the regulations, to see in these cases what can be done in order to remove it from where it is and to send it somewhere else, away from town centre.

**Ms Deepalsing:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he can investigate if he has been misguided by the GRA? Because he said in his answer that the GRA has told him that they cannot suspend a licence. Section 99(1) of the Gambling Regulatory Act, precisely says –

**“Disciplinary action against licensee**

(1) The Board may, at any time, refuse to renew, or suspend for such period as the Board may determine, or revoke or cancel from such date as the Board may determine, any licence where –”.

There is a list of things, and one of them is section 99(1)(p), where –

“(...)any licence where –

(p)the Minister so directs in the public interest.”

The Commissioner of Police has said that the continued operation of that casino is against public interest and the law gives the powers to the GRA to suspend. May I ask whether the hon. Minister can give directions to the GRA to temporally suspend the operation of *Ti Vegas* until the court case is over? Because court cases can drag on for years and years.

**Dr. Sithanen:** I sympathise with this view. As I said, not only because I am MP for the constituency, but I live there. I go through that main artery *presque tous les soirs* on leaving my office. What I am told is that they have to act reasonably and they have to give a reasonable reason of doing this. In fact, the Municipality of Quatre Bornes tried to do it in the past and they were served with an injunction. The Casino went to the Privy Council and won. Last week, the Municipality of Quatre Bornes tried to do it again and they got an injunction immediately, and the case is in court now. So, we would like to do it, but again we have to respect the rights of these people. They have gone to court, and we have to wait for the judgment. This is what the GRA has told me.

**Mr Varma:** Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister and Minister of Finance has spoken about reasonableness. Is he aware that around 3,000 inhabitants of Quatre

Bornes have signed a petition and sent it to the competent authorities? Secondly, Mr Deputy Speaker, Sir, is the hon. Vice-Prime Minister aware of the statement made by the Chairman of the GRA, in spite of the fact that there is a case pending in court, namely that the councillors who have taken the decision should bear the responsibility and might be sued for damages?

**Dr. Sithanen:** I can't speak on behalf of the Chairperson of the GRA. I have sympathy with all these 3,000 people who have signed. My wife tells me that everyday because we have got three kids also. So, I realise it but, unfortunately, I have to act as per the advice given to me by the SLO, and the advice that has been given is that you need to wait for the outcome of the court case before taking any decision.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the Minister just said that the GRA acts according to the legislation, which says that such area is eligible to so many casinos or game houses. But 'is eligible' does not mean that compulsorily you have to give so many licences. This is the first thing. The second thing is: what about the discretionary power of the Minister? Can't the Minister thrash out whether an area really needs so many game houses? What about the discretionary power of the Minister?

**Dr. Sithanen:** This is the point that I am making. The legislation makes it clear how many you can give in each town and each village. So, there is no discretion. It needs to be changed.

**Mr Bhagwan:** Mr Deputy Speaker, Sir, I'll just come to one point. Listening to the reaction of the Chairman – he is a good friend of mine - it appears that this good friend of mine does not live in Mauritius. He does not know the problem, what is happening, because the local authorities are against; the MPs of all constituencies are against, and the hon. Minister of Finance is against. The way he is behaving is as if he is not independent, he is taking sides. We have heard his reactions on the radio. The whole Mauritius has listened to that. I think he is taking sides instead of being an independent authority.

**Dr. Sithanen:** I have spoken to the friend of hon. Bhagwan on several occasions. He is very concerned that the same thing that happened last time where that particular company went to the Privy Council and won the case. What we need to do is to see how we can circumvent this.

**Dr. Husnoo:** From what the hon. Minister has just answered, every year the Government is earning about Rs1.1 billion to Rs1.6 billion. I presume the profit made by these companies would be much more than that. This Labour Party Government does have a policy of democratisation of the economy. Are we not doing the reverse of democratisation of the economy, siphoning the money from the poor people's pockets to the rich people's pockets?

**Dr. Sithanen:** Initially, the idea was to fight illegal betting. Let me tell the House that Singapore is going the other way. They are allowing casinos because they believe that the unintended consequence of abolition is stronger than the intended consequences of regulation. What I am saying is that we have to take all these aspects into account. The idea was to fight illegal betting. But, as I said to hon. Bodha, maybe the unintended consequences have to be looked into, and we have accepted this. But what we are saying is that there are legal implications and the advice I have from the SLO and from the GRA is that because this case is in court, they cannot act.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, may I ask the Vice-Prime Minister, with regard to the opening of gaming outlets in various regions, especially when we know we have

social problems, whether he finds it normal that within a distance of 500 metres in an area that is along the main road of Terre Rouge, there are five such gaming outlets operating?

**Dr. Sithanen:** I agree that this is not acceptable, but what has happened again is the consequence of competition. Before, there was only one Tote operator, and people were complaining that there was only one Tote operator that was controlling everything throughout the country. There is now a second one. Obviously, what has happened is that they have decided to give the second one also outlets. This is exactly what is happening. We have to take all these into account when deciding on what should be the new policy and also the unintended consequences.

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

**Mr Jugnauth:** Thank you, Mr Deputy Speaker, Sir. I suppose there are parameters whereby a number of permits can be given within different regions or different villages. Can I ask the hon. Minister to check with the SLO? This is only indicative of the number that you can give. It does not mean to say that, as long as we have not reached the number, we have to grant those applications until we reach that number.

**Dr. Sithanen:** I don't want to play politics, Mr Deputy Speaker, Sir. On the very eve of the election 2005, two gaming licence 'A' were given because it was in the spirit of the law. I don't want to play politics on this. They did it, Mr Deputy Speaker, Sir, and this is the legislation. When we said up to this amount, the GRA has acted within the framework. And let me say that two gaming licence 'A' were delivered just before the election.

#### **ROSE BELLE SUGAR ESTATE/VITA GRAIN PRIVATE LTD - MoU**

**(No. B/818) Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Minister of Agro Industry, Food Production & Security whether he will state if the Rose Belle Sugar Estate has signed an agreement with the Singaporean company Vita Grain for the cultivation of hybrid rice and, if so, give details thereof.

**Mr Faugoo:** Mr Deputy Speaker, Sir, Vita Grain Private Ltd signed a Memorandum of Understanding with Rose Belle Sugar Estate on 24 March 2009, whereby Rose Belle Sugar Estate has undertaken to lease 500 hectares of land in a phased manner over the period July 2009 to July 2010 to Vita Grain Private Ltd for the production of hybrid seed of improved rice varieties for supply to the regional market. The Vita Grain Private Ltd was incorporated in February 2009 as Vita Rice Ltd in Mauritius.

A first lease for an initial extent of 50 hectares was signed on 01 June 2009 for a period of 18 years. The annual rental per hectare as assessed by the Chief Government Valuer and agreed by the two parties is as follows -

- ❖ Rs20,000 per hectare for the first 6 years
- ❖ Rs25,000 per hectare for the second 6 years
- ❖ Rs44,000 per hectare for the third 6 years

Mr Deputy Speaker, Sir, it is worth mentioning out that the land leased to Vita Grain is marginal land and has low potential for sugar cane production. The promoters have conducted soil analysis, and the land is found suitable for rice cultivation. In fact, the net annual revenue

derived from sugar cane by Rose Belle Sugar Estate from such land is on the average of Rs10,000 per hectare annually.

The signature of the MoU between Rose Belle Sugar Estate Board and Vita Grain Private Ltd follows an investment proposal made by the latter in December 2008 for the setting up of a hybrid seed industry in Mauritius to supply the regional market. The vision of Vita Grain Ltd is to be the global leader in the supply of specially hybrid cereal crops, in promoting the improved cultivation technology and food security in both developing and developed nations.

Vita Grain possesses the innovative knowledge and expertise to cultivate non-hybrid and hybrid rice seed of varieties with specialised traits. The project is of particular interest to Mauritius given that we are a net importer of rice. For Vita Grain, Mauritius represents an ideal location as no rice is cultivated here, and this facilitates production of hybrid seeds. With this ambitious project, Mauritius is being offered a unique opportunity to produce its rice requirements, as its innovative technology can be extended to commercial rice production locally and in the region. In fact, the company plans to set up a rice mill in the medium term. This will allow us to reduce our dependence on imports of rice along with reduction in our import bill.

It is to be pointed out that the rice varieties produced by Vita Grain Private Ltd are characterised by a low glycemic index and are suitable for persons suffering from diabetes. This good nutritional quality rice will benefit our country given that 30% of Mauritians between age 30 and 74 of our population suffer from diabetes.

Mr Deputy Speaker, Sir, Vita Grain, in collaboration with MSIRI and FARC and AREU, has set up a Food Security Development Centre to provide a more effective and sustainable technical back up to the project. The Food Security Development Centre has been incorporated on 07 July 2009. Through this arrangement, 22 rice lines and varieties, comprising three hybrids and 19 pure lines were introduced and were sown at MSIRI, Réduit, in March 2009. The varieties have shown good adaptability and vigorous growth much beyond the expectations of Vita Grain and MSIRI. Eight varieties have already reached grain-filling stage, and harvest is expected in a month's time. It is worth mentioning that rice varieties produced by Vita Grain have been reputed to yield three times more than the conventional varieties.

The company is already implementing at Rose Belle and is completing land preparation, derocking and soil treatment. Provision for water has already been made, and irrigation systems are being designed. Other infrastructure for storage of inputs and implements are being put in place. Seeds of five lines have already been introduced for cultivation. Planting is scheduled to start as from the first week of August this year and will last over a month.

In this initiative, we have urged Vita Grain to consider small planters as partners giving them an opportunity to diversify. Several meetings have accordingly been held and small planters have expressed enthusiasm to participate in this project.

Furthermore, Vita Grain has offered equity to the State Investment Corporation so that this collaboration spearheads this major initiative. This public/private entity will demonstrate the importance of partnership in addressing the issue of food security.

This venture, which offers the possibility of producing rice of high nutritional quality, is a milestone in improving the food security of our people and that of the region. Government is accordingly providing all necessary supports to make the project a success.

**Mr Dowarkasing:** My first question is whether the hybrid rice that will be grown by Vita Grain is a genetically modified species?

**Mr Faugoo:** It is not, Mr Deputy Speaker, Sir.

**Mr Bérenger:** Can we have the production figures and the targets over time, when is production starting and how are we going to evolve over the months and the years?

**Mr Faugoo:** Mr Deputy Speaker, Sir, in fact, they are targeting to grow 500 hectares of land, and it appears that one hectare of land produces 12 tonnes. In fact, you can grow it three times a year. So,  $12 \times 3$  becomes 36, and you can multiply by the hectares which they are going to cultivate. But this is in the short-term. They want to bring in the small holders, as I said, Mr Deputy Speaker, Sir, and they want to multiply. They are going also to set up a rice mill for processing of the seeds for local consumption. They are targeting, in the first phase, the regional market for seeds and then, in the second phase, they are going to produce rice itself on commercial basis for local consumption and that for the region.

**Mr Dowarkasing:** I am sure there must be a feasibility study. Can we have a copy of the feasibility study to help those small planters? Because people want to know what are the specifications needed so that they can embark on such cultivation in terms of rainfall, in terms of temperature requirement and so on. Can the hon. Minister render that feasibility study public?

**Mr Faugoo:** Mr Deputy Speaker, Sir, as I said, unlike traditional rice cultivation which is done usually in paddy field, this growing of hybrid seeds, and ultimately rice, can be done in Mauritius according to studies which they have carried out. It is a private entity. I understand that they have carried out a study, and I don't think that I would be able to table a copy of it. They found that the land in Mauritius is suitable for growing of the rice. What I can say to the House is they have undertaken to involve the small planters. In fact, they had several meetings with small holders both in the north and in the east, and they have shown keen interest to join in the venture.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I heard the hon. Minister stating that the hybrid seeds being introduced is giving results that are beyond expectation. We are all aware that when hybrids are produced, they exhibit what we call hybrid vigour and which is only for a certain time period. I also heard the Minister mentioning that they are thinking about production of hybrid seeds, not so much for cultivation in Mauritius, but for the market of hybrid seeds. I would like to ask the hon. Minister whether he is aware that this may cause a problem, because Mauritian planters or planters who will be buying these seeds will be able to make use of them for new ones. There is a big problem in the production of hybrid seeds, because the seeds are good for only one crop and will not be able to be collected for further cultivation.

**Mr Faugoo:** Mr Deputy Speaker, Sir, what I said in the first place, they are going to grow hybrid seeds for the region and they will take on board local planters and small holders. They will also grow seeds in the first place and they will sell to Vita Grain, and Vita Grain ultimately will provide the region, including Mauritius, and then, in the second phase, they are going to grow the seed on commercial basis to produce rice for consumption. This is what I said.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, I have received a request from the ex-tea belt planters and you know how difficult their situation is. Could the hon. Minister consider the possibility of regrouping or having a meeting with the ex-tea belt planters in order to enhance them to this project and see how they can convert their sugar cane fields into cultivation of rice?

Because the region where these Singaporeans are planning to plant that rice is just 100 metres from the ex-tea belt.

**Mr Faugoo:** Yes, Mr Deputy Speaker, Sir, by all means. We are going round the island to tell people not to stop growing cane, because now that we have shifted from sugar to cane industry, we are encouraging people not to give up growing cane. At the same time, we are encouraging those who are interested to diversify, those who have abandoned their land to come in and join in. So, by all means, we will ask those planters in that region to join in.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I understood what the Minister stated. The Minister said that, in the first phase, we are going to go for seed production and, in the second phase, we can hope of cultivating the rice for local consumption. My fear is that there will be exploitation of Mauritian planters through the sale of hybrid seeds, which can only be lucrative to those seed producers.

**Mr Faugoo:** We cannot do otherwise, Mr Deputy Speaker, Sir; it is not opened as yet. It is an industry which is starting now. As I said, they will come and set up a rice mill. What is the use of planting rice, sending it for processing outside and then bring it back? It will add up to the cost. We need to have a rice mill for processing, and they have in the plan to set up a mill to start with. Then, maybe with regulations and competitions coming in, we have to open up the market.

#### COMMODITY EXCHANGE, MAURITIUS - OPERATION

**(No. B/819) Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether he will state if Government has approved the establishment of a Pan African Stock Exchange for Commerce with the Financial Technologies (India) Ltd., and, if so, give details thereof.

**The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen):** Mr Speaker, Sir, the House may wish to note that Government has not approved the establishment of a Pan African Stock Exchange for Commerce.

I am informed that the Financial Services Commission has, pursuant to section 9 of the Securities Act 2005, granted a licence to the Global Board of Trade (GBOT), a company promoted by Financial Technologies (India) Ltd, to operate a Commodity Exchange in Mauritius.

According to GBOT, they intend to introduce commodity derivative trading in precious metals, energy products and agricultural commodities to start with.

Different categories of intermediaries, from within Mauritius and abroad, will be allowed to trade through an electronic platform linking geographically dispersed buyers and sellers in real time. GBOT promoters forecast that the Commodity Exchange based in Mauritius will help accelerate the integration of the African sub-continent within the world economy by leveraging the strategic location of Mauritius between the time zones of New York, London and Tokyo. The Exchange will thus facilitate links between commodity markets in the African region and global trading hubs, in accordance with the principles of price transparency, trade efficiency and structured finance.

**Mr Dowarkasing:** Can the hon. Minister state to the House with precision in which commodities the FTIL wants to deal with in the beginning?

**Dr. Sithanen:** I have just said it. Precious metals, energy products and agricultural commodities once they start, and then they will deal in other products.

**Mr Dowarkasing:** When we are talking of precious metals and the energy sector, can we have some precisions? What do we mean by precious metals? Is it going to be gold and diamond? Is it going to be an energy product, and in what commodities?

**Dr. Sithanen:** It can be any precious metal. I presume it can be gold, silver, and any other commodity. In fact, they are trying to establish a regional market. They would like to operate in Botswana. I think they have a small one in Botswana and a large one in Dubai, in Singapore and in Bahrain. So, the idea is to have a platform in Mauritius where they can trade in these commodities and eventually with their derivatives.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, in view of the setting up of this Stock Exchange for Commerce, has any investment company or any hedge funds signified their intention to operate within the ambit?

**Dr. Sithanen:** Not that I am aware of, but eventually it will come.

#### AGEING POPULATION - STATISTICS

**(No. B/820) Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Minister of Social Security, National Solidarity & Senior Citizens Welfare and Reform Institutions whether her Ministry has taken cognizance of the latest statistics on the ageing of the population and, if so, will she state how Government proposes to tackle the problems associated therewith.

**Mrs Bappoo:** Mr Deputy Speaker, Sir, the reply is “yes”.

According to the Basic Retirement Pension (BRP) database of my Ministry as at June 2009, there were 140,601 persons aged 60 and above who are beneficiaries of BRP. This figure represents more than 10% of the elderly population as compared to 6% in the year 1972. It is to be highlighted that, according to projection, the elderly population will reach 20% in 2037 and 24.8% in 2047, that is, 330,800 and 362,700 respectively.

The Government believes that ageing of the population, if properly planned, should under no circumstance be a burden or a problem. In line with our approach of planned ageing, Government, in its programme 2005-2010 is deeply committed to the enhancement of the quality of life of the elderly and to “ensure that our elders enjoy dignity and respect in their retirement”. In line with this approach, a panoply of measures have been initiated to tackle ‘*en amont*’ the different problems which are associated with ageing.

Mr Deputy Speaker, Sir, as regards financial benefits, BRP has been reinstated on a Universal Basis since August 2005. It is also to be noted that the BRP is increased annually to compensate the rise in the cost of living.

A number of other financial benefits like carers’ allowance, income support and rent allowance are also provided to deserving elderly persons.

Government has also initiated a number of other measures with a view to enhancing the quality of life of our elders such as –

- (i) Free Public Transport.

One of the first measures taken by Government on its accession to office in 2005 is the introduction of the Free Transport policy *inter alia* for the benefit of the elderly. The Free Transport policy is highly appreciated by the elderly population and they never cease to say “thank you” to the hon. Prime Minister for his bold and laudable initiative.

(ii) National Policy on Ageing 2008.

My Ministry has elaborated a new National Policy on Ageing in 2008 based on the Madrid International Plan of Action on ageing, which advocates the mainstreaming of older persons in the international and national development plans and policies.

(iii) Protection of the Elderly.

The Protection of the Elderly Persons Act has been proclaimed in September 2006 to provide protection to the elderly against all forms of abuse. The enforcement of this piece of legislation is yielding very encouraging results.

(iv) Retirement Age.

As from July 2008, the retirement age is being gradually extended to 65 years on an optional basis with a view to promoting productive and active ageing.

(v) *Foyer Trochetia*

The Centre for Severely Disabled Elderly at Petit Verger, Pointe aux Sables has become operational since 01 September 2008. The Centre, which is unique of its kind, provides residential care for 32 severely disabled elderly people.

Anti-influenza Vaccination

Vaccination for elderly persons aged 65 and above is a yearly feature to protect them from influenza diseases during the winter cold season.

(vi) Centenarians

Presently, the Republic of Mauritius is blessed with 75 centenarians. The centenarians enjoy a monthly package of about Rs12,703 (including their BRP, for the purchase of drugs and carers’ allowance). They are also entitled to free domiciliary medical visit monthly. They are regrouped in a plug of centenarian and in a spirit of national solidarity. The list of the members are communicated to private companies in their respective residential catchment areas and who in turn on special occasions convey their support, love and respect to them

(vii) Health, Education and Recreational Activities.

Mr Deputy Speaker, Sir, with regard to health, educational and recreational activities for the elderly, there is a host of new programmes which are being organised in all the Social Welfare Centres, Community Centres, Health Clubs and the Day Care Centres and also at the Pointe aux Sables Recreation Centre for the elderly. Furthermore, my Ministry jointly with the Ministry of Health and Quality of Life run a series of programmes on preventive health and nutrition for our elders.

(viii) Senior Citizens Council

The Senior Citizens Council, which is the apex organisation for some 650 Senior Citizens Associations, operates through a network of stakeholders to provide educational, recreational, cultural and inter generational programmes. The Senior Citizens Council also promotes inter-club exchange programmes, which strengthen the relationship between associations and enable greater integration. Additionally, in line with the Action Plan on ageing, the Ministry has embarked on the following main projects -

A National Carer's Strategy, which is being worked out actually by the Ministry, and this is to train a number of formal and informal carers for psychosocial support to elderly and more particularly to those living alone.

**The Deputy Speaker:** I just wanted to check whether the hon. Minister has got many more pages for this reply, please. She has taken six minutes already. If there are only a couple of pages, we can listen to you; otherwise I will request you to circulate your reply, please.

**Mrs Bappoo:** Thank you, Mr Deputy Speaker, Sir. One but not least is the project of an observatory on ageing. The forthcoming setting up of this project with the collaboration of the UNDP will carry out studies on the dynamics of ageing (*Gerontology*) to better inform policy-making process.

The last of all is, Mr Deputy Speaker, Sir, the coming of the new Recreation Centre for the elderly at Belle Mare which will, of course, be a Five Star one, and this will help for the leisure programme of activities for our elders.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, I have listened to this long reply of the hon. Minister. But it seems to me that the major problem of ageing is the financial issue, and that has not been addressed at all by the hon. Minister. She stated that, in the year 2027, about 20% of our population will be receiving the BRP. I have just worked out the figures, which will amount to Rs600 m. roughly monthly. Can I know whether this is going to be sustainable for Government and if not, what measures does she intend to take?

**Mrs Bappoo:** Of course, Mr Deputy Speaker, Sir, this issue is a very important one for it to be sustained in the years to come, but, at present, it is not on Government agenda. We are committed with the restoring of the universal pension, which we did in July 2005. We don't need to work in a sort of haphazard way and to repeat what happened in 2004/2005. At the very point in time, Government will advise what will be our future plan of action.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, I just want to know whether the Ministry has worked out a study of the ageing problem on the Welfare State. What is going to be its impact on the Welfare State, in the health sector and the other sectors?

**Mrs Bappoo:** Mr Deputy Speaker, Sir, we should not treat this issue in such a way, Mr Deputy Speaker, Sir, as the question is being set up by the hon. Member himself. Of course, it is a very important issue, there is no formal study on which we have embarked, but it is food for thought. For the time being, it is not on the agenda of the Government. We will come to it at the very right moment when we will have to thrash out.

**Mr Dowarkasing:** The hon. Minister, in her reply, has stated that Government has embarked on what they call 'planned ageing'. Can we know some of the measures that are being taken on this planned ageing?

**Mrs Bappoo:** At the beginning, I just made a résumé of the different measures taken, but if you do allow me, Mr Deputy Speaker, Sir, I can elaborate on each of these policies. The national policy on ageing deals, for example, with education and training, *préparation à la retraite*, income security and social security system, advancing health and well-being in old age, enabling and supporting environments, which include care and protection of the elderly, as well as accessibility to buildings and infrastructure. But there are also other topics, like health, preventive health, leisure, sports and other facilities.

#### **EXPORT CREDIT INSURANCE SCHEME**

**(No. B/821) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the Export Credit Insurance Scheme announced in the last Budget Speech, he will state -

- (a) the local and foreign insurance companies contacted, prior to the announcement thereof and thereafter;
- (b) the percentage of export that will be insured, and
- (c) if subsidies will be provided on the insurance premiums.

**Dr. Sithanen:** Mr Deputy Speaker, Sir, as the House may be aware, during the current period of financial crisis and uncertainties in export markets, insurance companies are not providing adequate insurance cover to exporting companies. This is adversely impacting on the export financing facilities of these companies. To ease such a situation, countries like France, Spain and UK have set up Government-backed top-up insurance covers.

Our Mauritian exporters, both SMEs and large enterprises, have also not been spared and are suffering from inadequate credit insurance coverage during this difficult period. The Export Credit Insurance Scheme I announced in the last Budget is precisely intended to give an additionality of insurance cover to these exporting companies in Mauritius, so as to enable them secure adequate export financing.

This scheme aims at providing group credit insurance cover for exporters. This approach has been proposed after due consultation with industry operators for securing an increased cover beyond what the insurance companies are actually offering during the crisis period up to December 2010.

In this context, the committee on the Mechanism for Transitional Support, set up under the Additional Stimulus Package to help firms facing financial difficulty, is working on modalities of the proposed Scheme. Mr Deputy Speaker, Sir, since the selection of the insurance company is going to be through a tendering exercise, there has been no formal contact with local insurance companies.

However, given that the committee on the MTSP does not have expertise in export credit insurance, SICOM has been contacted for information purposes. It is to be noted here that our local insurance companies do not have the capacity and know-how to operate export credit insurance covers. Worldwide, there are three main trade insurance companies which provide such coverage.

In fact, I am informed that the committee will be inviting insurance consultants this week to prepare the appropriate specifications to enable the three largest international trade insurance companies to make a bid to provide the additional insurance cover.

As regards the percentage of export that will be insured, I wish to inform the House that the modalities of the Scheme is still being worked out, so that an optimum scheme could be developed for our exporting companies.

It is also to be pointed out that the basic principle for operating the Scheme will be on a cost-sharing basis between Government and the operators.

**Mr Jugnauth:** May I ask the hon. Vice-Prime Minister whether, before coming with such measure in the Budget, there has been any preliminary consultation with either local companies or foreign companies on that matter?

**Dr. Sithanen:** There were intense discussions with the exporters, which are finding difficulties to get access to credit because there are three risks, Mr Deputy Speaker, Sir. One, the country where they are exporting; two, the sector in which they are, and three, the specific company they trade with. And since textile and clothing are going through difficulty, the banks are making it more difficult to give them access to credit. We have discussed with the local companies, and since there is no expertise here, I understand there are only three companies worldwide, namely Euler Hermes, Atradius and Coface that provide such facility. Now, the committee is going to go for a tender.

**Mr Jugnauth:** My question was with reference to the insurance companies, because I know that there are local companies which are exporting that are facing some difficulties. I would like to know whether the hon. Minister or his officers has had prior consultations with either local insurance companies or foreign companies.

**Dr. Sithanen:** I am not aware of discussions with local insurance companies, except for what I mentioned in my answer, namely that they had sought information from SICOM. I understand from the reply given that they are in discussion with foreign companies, and they will go for bidding. I understand also, from the information given to me, that there are three organisations that provide such facility.

**Mr Jugnauth:** Would the hon. Vice-Prime Minister confirm that this was in fact a request from the JEC?

**Dr. Sithanen:** No, this was a request from MEXA.

**Mr Jugnauth:** Would the hon. Minister confirm that the JEC, in their memorandum, included that request from MEXA?

**Dr. Sithanen:** In fact, the discussion that we had was with MEXA. They have been mentioning this since the beginning of the year. There were two main requests made by MEXA. One was for a subsidy of 8% on their export earnings, and the second one was to provide them some support because they are unable to get access to credit. This was discussed basically with MEXA.

**Mr Jugnauth:** I understand that, now, they are working out the specifications and that they would come with I suppose an expression of interest. May we know about the time that this scheme would likely be set up?

**Dr. Sithanen:** I don't know. We have to let the process run its normal course, Mr Deputy Speaker, Sir. But, from the pressure that we have from those who are exporting – small, medium and big - they would like to have the scheme as soon as possible. We are working on the different instruments that we have announced in the Budget. There is another scheme also, which is quite tricky. We are discussing with the leasing companies to see how they can make credit more easily accessible to companies that are going to purchase equipment and machinery.

#### **ALMA - CREMATION GROUND**

**(No. B/822) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister of Local Government, Rodrigues & Outer Islands whether he is aware that there is a lack of infrastructural facilities at the crematorium of Alma and that it is presently not operational and if so, the remedial measures that will be taken.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed by the Moka/Flacq District Council that a covered pyre was constructed in December 2002 at the cremation ground at Alma and, up to now, it has never been used.

The inhabitants of Alma are currently using the cremation ground at l'Esperance, Quartier Militaire.

I am also informed that the Council has not contemplated any remedial measures for Alma cremation ground, as it is not in presence of any request for that purpose.

**Mr Jugnauth:** Since I have been made aware about this state of affairs, will the hon. Minister kindly consider having a fresh look at this, especially as the inhabitants of the region are encountering problems of water and lighting, so that this can be put to use?

**Dr. David:** I will certainly do that, Mr Deputy Speaker, Sir. But I must repeat that, since 2002, nobody has used that cremation ground. I don't know why.

#### **KREOL LANGUAGE – MEDIUM OF INSTRUCTION**

**(No. B/823) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the hon. Minister of Education, Culture & Human Resources whether he will state if Government has recently adopted the policy to use the creole language as a medium of instruction at the primary, secondary and tertiary levels.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, although Government has not yet adopted a formal policy for the language of the environment such as Kreol or even Bhojpuri as a medium of instruction, it is already a current practice for teachers to have recourse to the Mauritian Kreol language as an aid in educational institutions along with English and French for children who have serious learning difficulties or lack of the basic foundation skills for effective communication.

The House may wish to learn that, as per section 43 of the Education Regulations 1957, Kreol language can be used in the lower classes of Government and aided primary schools up to and including Standard III, just as any other language of the environment may be employed as a medium of instruction, being a language which is in keeping with the learning ability of the pupils.

While it is true that we do not discourage the use of the Kreol language to facilitate understanding and learning, English is and remains the medium of instruction across the different

sectors of the system and it is also a fact that the principle has always been to expose all our learners to other languages like English and French that make up for our comparative advantage at all levels. This is all the more true for tertiary levels studies since our emerging professionals have to be in a position to participate in activities in a global context.

Evolving a policy to use the Kreol language as a medium of instruction has several implications in terms of legal provisions, international recognition, parental consent, school curriculum and training of teachers. All these are under consideration.

The House may note that we are not remaining idle to the use of Kreol as a medium of instruction and indeed, as the House is aware, we are in the process of setting up a Creole Speaking Union which will be called upon to look into this matter, as a priority for paving the way of the formal use of *Kreol Morisien* in schools, especially as one harmonized writing system GRAFI LARMONI has already been proposed by the University of Mauritius.

In the meantime, Mr Deputy Speaker, Sir, my Ministry is following up very closely the ongoing BEC project intended to promote Kreol at the pre voc level.

The *Bureau d'Education Catholique* is proposing, in fact, to embark on an action research program on a pilot basis, as from January 2010, the use of the mother tongue in some schools as a pedagogical tool for effective learning.

**Mrs Labelle:** Mr Deputy Speaker, Sir, once again there seems to be a confusion between the medium and the support language. Creole has been used as a support language but, unfortunately, not as a medium of teaching. May I ask the hon. Minister - because the previous Minister, last year, announced the setting-up of a joint committee between the *BEC* and the technicians of his Ministry - whether this committee has been set-up and if not, why not?

*(Interruptions)*

The Minister announced the setting-up of a committee since 25 February. I am referring to PQ No. B/991 where the Minister talked of a meeting held between the *BEC* and the technicians of his Ministry on 25 February, and it was supposed to have other working meetings and so on. May we know whether this project is on or not?

**Dr. Bunwaree:** Meetings are going on. In fact, that was one meeting, but there have been other meetings. The committee is working and we have not discouraged *BEC* to go along with it, but there was some feeling of discouraging *BEC* at the start I must say. But, this is out of question, we have not discouraged them; they have already done some work. Last time, in answer to a question, I said that in the month of September they are supposed to submit a report. Now, we have already been informed that, pending the obtention of the report, we are going to look into that, but we have not objected to the start of a pilot project in early January next year.

**Mr Lesjongard:** May I ask the hon. Minister whether he is aware of the recent statement made by the Prime Minister that he is in favour of the Creole language being used as a medium of instruction at primary, secondary and tertiary levels? If this is the case, what measures have already been taken at the level of his Ministry?

**Dr. Bunwaree:** The Prime Minister is already aware of what we are doing at the level of the Ministry and I have already mentioned that there are many other implications, but we are going very quickly. I believe that with the setting-up of the Creole Speaking Union - because the GRAFI-LARMONI is already there, they have to finalise something so that we might go into it.

The point has been made that there is a difference between medium, of course, and using Creole as a support language. What I have tried to make clear in my reply is that the support language is not only there, but it is being encouraged, to allow children to understand better and learn better. But, at the same time, we are going in line into trying to get Creole as a written language itself.

**Mrs Labelle:** The hon. Minister has talked about a pilot project and the *BEC* will be using Creole as the medium of teaching. I don't know whether the hon. Minister has taken cognizance of what has already been done at the level of the *BEC*. It is my pleasure to table a book, which is the "Matématik" book, *Mathématiques Élémentaires*, and it is in two versions, Creole and English. So, here it is an example of Creole as a medium of teaching, and it is my pleasure to table a copy of this book. I would like to know whether the hon. Minister has taken cognizance of this work, which has been used during the past years?

**Dr. Bunwaree:** Not only have I taken cognizance, I am well aware and I have the book in my office. But what we are lacking and expecting is the assessment that has been made after the book has been in use.

#### HIV/AIDS PATIENTS – TREATMENT

**(No. B/824) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Health & Quality of Life whether, in regard to people having contracted HIV and AIDS, he will state the number thereof who are –

- (a) undergoing treatment in the public health institutions, and
- (b) being treated with antiretroviral drugs.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, I wish in the first instance to point out that people living with HIV and AIDS are prone to complications arising from their AIDS status, besides being liable to contract other diseases as any other person. These persons are treated in the public health institutions where they are also seen by AIDS physicians.

As regards HIV and AIDS patients, they are treated, cared and followed up at the National Day Care Centre for the Immuno-suppressed (NDCCI), located at Bouloux Area Health Centre, Cassis.

Regarding part (a) of the question, I am informed that since January 2009 to date, 175 persons living with HIV and AIDS have been treated in public hospitals.

Concerning part (b) of the question, I have to highlight that antiretroviral drugs are prescribed only to patients nearing the AIDS stage or those who have already reached the AIDS stage upon detection. In this respect, from the 2,413 registered cases of HIV patients at the NDCCI, the actual number of patients being treated with antiretroviral drugs is 546.

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether he has any information about that age bracket in which these patients fall?

**Dr. Jeetah:** Yes, Mr Deputy Speaker, Sir, I can circulate the information.

**Mrs Dookun-Luchoomun:** From the answer given by the hon. Minister, I could understand that there are about 2,000 persons who are registered as having contracted HIV, and out of these persons only 175 are actually being treated. What about the rest of the people?

**Dr. Jeetah:** Mr Deputy Speaker, Sir, there is a set of criteria before a protocol is applied to the patients, and I can list the criteria if the hon. Member so wishes.

First of all, a person is offered antiretroviral drug upon detection, that is, once the AIDS stage has been reached. Secondly, an HIV infected person also infected by tuberculosis may at any point in time be on antiretroviral, depending on his condition. Thirdly, for all those HIV positive patients the CD count, that is, a marker for the defence mechanism for HIV, is regularly monitored, and those who have achieved a CD count below 300 per cc are put on ARV drugs. The normal CRV count is around 1,000 per cc blood.

**Mr Lauthan:** Mr Deputy Speaker, Sir, I just want to draw the attention of the hon. Minister that the NGOs acting on the field are complaining that the Ministry is not aggressive enough; I know that a lot is being done, but it is not aggressive enough to target those who are at high risks. I personally continue to work with addicts or ex-detainees. Very often, I come across people who say: "No, I won't go for the test because I am sure that I am HIV positive". Their partners say that: "I assume that I am infected already because he must be infected". Both have not undergone the test. So, there is need for an aggressive campaign in proximity with the community and the mass media, the MBC.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, with due respect to the hon. Member, we cannot be aggressive to people, in trying to catch people and test for AIDS. What we have done is we have a mobile clinic and we are destigmatising this issue, so that we are treating it as a chronic disease. Now, when we are doing tests for diabetes, hypertension and cardiovascular problems and so on, we do test for HIV/AIDS as well.

**Mr Bodha:** Mr Deputy Speaker, Sir, may I ask the hon. Minister, out of the 546 cases being treated with antiretroviral drugs, how many are prison inmates?

**Dr. Jeetah:** We have 40 who are currently in prison, Mr Deputy Speaker, Sir.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, the Minister mentioned that ARV is given only to people who have reached a late stage of AIDS, after their WBC count goes below 300 per 1 cc of blood, I think. May I ask the hon. Minister whether he does not consider that the use of ARV itself is meant to reduce the progression of the disease, and that instead of using it at the end, we should have used it earlier, so as to prevent the disease from progressing? He said that it is used only when a person has already entered the AIDS stage instead of people having contracted the HIV virus.

**Dr. Jeetah:** That is a valid question, Mr Deputy Speaker, Sir, but all these protocols are worked out by experts. In fact, we have assistance of Dr. Catherine Gaud from Reunion who is assisting us. In fact, she came and she did a workshop with our technicians here and this is a technical matter, and it is only the technicians who actually decide on the course of action.

**Mr Lauthan:** To come back to the issue I raised, Mr Deputy Speaker, Sir, we need to explain to those people that although they have had some risky behaviour, they may not have been infected already. So, it is good to undergo the test. Even if they have been infected, they can live with the antiretroviral medicine today. They can live for long years and cater for their children and so on. Can I ask the hon. Minister whether the campaign will go in this direction also to target those high-risk behaviours?

**Dr. Jeetah:** Yes, in fact, Mr Deputy Speaker, Sir, recently my Ministry offered Rs7 m. to NGOs that had very good projects in their outreached programme. So, we are collaborating and

we need everybody's assistance to make sure that people do understand that this is a disease that could be treated to a certain extent.

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

**Mrs Dookun-Luchoomun:** At one point in time, Mr Deputy Speaker, Sir, people who had been exposed to the HIV virus, maybe by accident, medical officers, nurses and, in cases of rape, victims, ARV was given in view of preventing them from developing the disease. May I ask from the hon. Minister whether this practice is still on?

**Dr. Jeetah:** Well, the other day, we had a question from a journalist who asked a doctor about how he was treating a patient with HIV/AIDS. First, all patients do get that, but then it was a question of security and so on. All doctors know their job. They have to assume that anything could happen, and they have to take due care and attention while treating any patient for that matter.

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

**Mrs Dookun-Luchoomun:** My question was not whether practising doctors are given ARV. No! I am talking about special cases of accidents where a person may have accidentally been exposed to the virus and in cases of victims of rape, etc whether the practice of treating them with ARV is still on.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, as I mentioned earlier on, this is a decision that is taken by a medical practitioner, and they do take everything into consideration while prescribing drugs for that matter. It is a case on its own merit.

#### **EX-SAVOY CINEMA, VACOAS – PRIVATE CLUB LICENCE**

**(No. B/825) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked Minister of Local Government, Rodrigues & Outer Islands whether he will, for the benefit of the House, obtain from the Municipal Council of Vacoas/Phoenix, information as to if any permit has been granted to operate a night club at the previous Savoy Cinema at Vacoas and, if so, indicate –

- (a) when, and
- (b) the conditions attached thereto.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed by the Municipal Council of Vacoas/Phoenix that no permit has been issued to operate a night club at the previous Savoy Cinema at Vacoas.

**Mrs Labelle:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he has been informed that maybe it is a private club? Because the activities carried out at this particular place, be it a nightclub or any name, are activities of a nightclub. For example, there were advertisements for a show by a DJ on the night of 04 July. It was a public event, and this is why people think that it is a nightclub. But, maybe, it is under another name. So, is the Minister aware that there is a place where such activities are being carried out at ex-Savoy cinema?

**Dr. David:** Mr Deputy Speaker, Sir, in fact, the ex-Savoy was granted a private club licence, not a nightclub licence. But we have been made aware by the Municipal Council that a month later, in fact, they were organising such activities like dancing or whatever DJs, inviting the public, and not private members as a private club should be. The Municipal Council has

taken them to task, the matter has been referred to the police and they have given now the guarantee that they will operate as a private club, and we are following it very closely.

**Mr Bérenger:** Not only has this place been run as a public nightclub with advertisements and so on, but as in many other places, the security arrangements are awful. Can I request the hon. Minister to take it up with the municipalities, district councils and with the Prime Minister? Because the security arrangements in case of fire and so on, in a good number of these nightclubs, by whatever names we call them, are awful and are going to end in tragedy one of these nights.

**Dr. David:** Securities are of cardinal importance, Mr Deputy Speaker, Sir. I have taken up the matter with the Municipal Council of Vacoas/Phoenix, and I have been informed that Savoy will operate now as a private club, with whatever that means. Now, we are having a look at Lake Point in Curepipe as well. I will come to Parliament with a statement later.

**Mrs Labelle:** Mr Deputy Speaker, Sir, I do not know whether the hon. Minister is aware that the inhabitants of the region have filed a complaint at the Police Station of Vacoas OB445609 at the beginning of July. And not later than last week, after the event of 04 July, once again, there was a night, another show. So, may I ask the hon. Minister as from which date the Municipal Council has received the guarantee that they are not going to operate as a nightclub?

**Dr. David:** It was as from 03 July 2009.

**Mrs Labelle:** This is really unfortunate, because the night advertised on the radio was for Saturday 04 July. So, may I ask the hon. Minister, since what has been said is not really what the present situation is, whether he can see again with the Municipal Council of Vacoas? Because after the 03, we have got the night of the 04, and there was another event last week. So, I reiterate my request that we look into this matter again.

**Dr. David:** Mr Deputy Speaker, Sir, if events were meant for registered members, they are certainly following the conditions. Now, I would like to mention one thing. On 29 June, a certificate from a professional engineer was submitted to the Municipality of Vacoas/Phoenix, certifying that the building was now sound proof. That was on 29 June 2009.

The second thing is that if the activities, as I said, were meant for registered members of the private club, I mean they are in order. But I will find out with the Municipality of Vacoas/Phoenix.

**Mrs Labelle:** Mr Deputy Speaker, Sir, I am really surprised regarding the certificate of this engineer. I am not an engineer, of course, but the public who lives around hear the sound. Not later than Sunday last, someone said: all right, you have not been able to sleep because of the noise. And it is going on. I am sure that the other representatives of this constituency have received complaints, and maybe we have to look into this question of sound proof again.

**Dr. David:** Well, Mr Deputy Speaker, Sir, they are flouting the authority; certainly they have got to bear the burden.

**Mr Jhugroo:** Can I ask that the hon. Minister whether, before granting a licence for a private club, the Municipality of Vacoas-Phoenix has taken it into consideration the parking facilities?

**Dr. David:** I suppose so, Mr Deputy Speaker, Sir.

### DAGOTIÈRE/ALMA VILLAGES – LINK ROAD - TARRING

**(No. B/826) Dr P. Ramloll (Third Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the link road between the Dagotière and Alma villages, commonly known as the Railway Road, he will state when tarring works thereat are expected to start.

**Mr Bachoo:** Mr Deputy Speaker, Sir, the link road between Dagotière and Alma Villages, commonly known as Railway Road, is a private road belonging to Mon Désert Alma Sugar Estate.

**Dr. Ramloll:** Mr Deputy Speaker, Sir, is the Minister aware that court has decreed around August 2004 that this link road should be opened to the inhabitants? And I am tabling a copy of the site plan of the project also for the construction of a bus stand, roundabout and approved by the then General Manager of Mon Désert Alma, Mr Jean Claude Hoareau. Now, this is the situation. May I ask whether the Ministry could look into it and get that road asphalted as soon as possible?

**Mr Bachoo:** I have just mentioned that I have been informed that the road is a private road. The first thing that they should have done is to have it declared as public road and secondly, we have to see whether it is a classified road or a non-classified road. If that is a classified road, it falls under my responsibility, and I won't have any problem in looking after the request of the hon. Member.

**Dr. Ramloll:** Mr Deputy Speaker, Sir, I understand the position now. What I want to say is the *Forces Vives* of that area have taken a long time to get this road at their disposal, and Mon Désert Alma S.E. was very resistant to it. It was a private road, but they went to court, and the court gave this order. This is probably the order. This is why I want to inform the Ministry to take this on board and if it can be declared public as soon as possible.

**Mr Bachoo:** Up to now, it has been a private road. Once it is declared public and falls under the responsibility of RDA, I won't have any problem. That's what I have told the hon. Member.

**Mr Dayal:** Mr Deputy Speaker, Sir, I raised this question some ten to twelve years ago. This track is really a private road belonging to Mon Désert Alma. The then Minister said that negotiations will be started with Mon Désert Alma and failing which compulsory acquisition will be resorted to. Therefore, what I will request the hon. Minister is to consider acquiring it through compulsory acquisition, so as to alleviate the hardship caused to the people of Alma and Dagotière.

**Mr Bachoo:** In that case, of course, we have to initiate actions, and that has to start with the Ministry of Housing & Lands. Once that part of the road is acquired, I will do my work. I don't have any problem. Mr Deputy Speaker, Sir, I have just mentioned that once it is declared public or once that road is acquired, I will do the needful.

**Dr. Ramloll:** Mr Deputy Speaker, Sir, may I stress upon the Ministry and the Minister that this link road is only 1.2 kms or so, and to connect these two areas, Dagotière and Alma, one has to go about 8 to 10 kms round. I think this is a priority, and that this could be, as my colleague said, be acquired compulsorily.

**Mr Bachoo:** The hon. Member knows the number of roads that we are constructing in that constituency. I reiterate this request to have that plot of land compulsorily acquired, and then the needful will be done.

#### PHARMACIES – DRUGS - SALE

**(No. B/827) Dr P. Ramloll (Third Member for Quartier Militaire & Moka)** asked the Minister of Health & Quality of Life whether, in regard to medicines, he will state if Government proposes to introduce legislation with a view to control the sale thereof over the counter in the pharmacies and to provide for the sale thereof strictly on presentation of prescription from doctors.

**Dr. Jeetah:** Mr Deputy Speaker Sir, the Pharmacy Act 1983 and Dangerous Drugs Act 2000 make provisions for the sale of drugs against prescriptions over the counter in pharmacies as listed in the Schedules thereto.

Mr Deputy Speaker Sir, with your permission I am tabling a copy of the relevant schedules of the Pharmacy Act - (First, Fifth and Sixth schedules) and the Dangerous Drugs Act - (Schedules II and III).

Control measures exist under sections (21), (22), 27 (6) and 32 (1) of the Pharmacy Act 1983 and Sections (18) and (19) of the Dangerous Drugs Act 2000, whereby the scheduled drugs and pharmaceutical products are required to be sold against prescription.

However, the General Retailers (Sale of Simple Medicines) Regulations 1989 made under the Pharmacy Act 1983 provides for the sale of simple medicines over the counter. I am tabling a list thereof.

I also wish to inform that my Ministry is working on amendments to be brought to the Schedules of the Pharmacy Act 1983, so as to include the new molecules available on the market.

**Dr. Ramloll:** I thank the Minister for the answer. Is the Minister aware that antibiotics, psychotropics, antidiabetics, antihypertensive and inhalers are freely on sale on the pharmacy counters even if regulations are there? And, if regulations are there, whether the Minister and the Ministry would enforce these regulations so that this could be issued only on the presentation of prescriptions?

**Dr. Jeetah:** Mr Deputy Speaker, Sir, there is a flying squad, which goes round the island to detect whether such practices occur. This would be illegal, and should the hon. Member have information, I would invite him to give us the information, and we will do the needful.

**Dr. Ramloll:** Mr Deputy Speaker, Sir, the Minister will agree with me also that auto medication is current practice in Mauritius. It is in the *moeurs* and it is quite difficult to get it off overnight. I would say that - if he is aware, of course - these patients develop, first of all, tolerance, toxicity, dependence, overdose and even death sometimes and, on top of that, the complications of the disease state itself. So, I would like to impress upon the Minister that - maybe the staff of the flying squad is scanty - this squad be enhanced for the control of the sale of drugs.

**Dr Jeetah:** We have got provisions in the law, Mr Deputy Speaker, Sir. We will have to look into the matter. It is a very complex issue, because we can't move into people's dwellings to see what they are doing.

### QUARTIER MILITAIRE & MOKA – BUS SHELTERS

**(No. B/828) Dr P. Ramloll (Third Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the proposed construction of bus shelters in Constituency No. 8, Quartier Militaire and Moka, he will state when the contract will be awarded.

**Mr Bachoo:** Mr Speaker, Sir, I am informed by the Traffic Management and Road Safety Unit that the contract for the construction of bus shelters throughout the island has already been awarded to Safety Construction Co. Ltd.

Construction of bus shelters has already started and is being done in a systematic district-wise way, based on a priority basis.

**Dr. Ramloll:** I thank the Minister for the answer. Mr Deputy Speaker, Sir, I think the Minister knows that Constituency No. 8 has some specificities. Like all constituencies...

*(Interruptions)*

It's not like Flacq, of course! The thing is that this is an area where it always raining and there are winds almost three-quarter's time of the year. I would like to lay on the Table a list of these bus shelters that are required in Constituency No. 8. I would say village-wise. Just to name a few, like in Circonference, l'Avenir: 8...

**The Deputy Speaker:** Can you just table it please!

**Dr. Ramloll:** In Ripailles: 6; Nouvelle Découverte: 10...

**The Deputy Speaker:** Just table it, please!

**Dr. Ramloll:** ...and for the whole constituency: 98. All these are priorities. If the hon. Minister could give priority to the construction of these!

**Mr Bachoo:** Mr Deputy Speaker, Sir, this shopping list should have been submitted to the officers of my Ministry. I will look into this.

### SURGICAL OPERATIONS – VISITING SURGEONS – JULY 2009-JUNE 2020

**(No. B/829) Dr P. Ramloll (Third Member for Quartier Militaire & Moka)** asked the Minister of Health & Quality of Life whether, in regard to the surgeons visiting Mauritius to carry out surgical operations, for the period July 2009 to June 2020, he will state –

- (a) the fields of speciality concerned, indicating the number of patients who will be operated in each field and;
- (b) if private clinics will be involved, and
- (c) table a list thereof.

**Dr. Jeetah:** Mr Speaker, Sir, in line with the vision of the Prime Minister to benchmark our health service to that of Singapore, my Ministry is in the process of finalising the Health Sector Strategy to make of this vision a reality.

Consequently, we are already positioning ourselves to become a regional medical hub in the near future with the setting up of private medical schools, reinforcement of the private health sector with the entry of new players, like Apollo and Fortis Hospitals. Emphasis is also being

laid on the upgrading of the quality of medical education through the review of the curriculum and reinforcement of Continuous Medical Education.

Together with these developments, we are working on a project to group all the high tech services, that is, cardiology, endoscopy, renal transplant, neonatal, ICU and neurosurgery under the ambit of the Trust Fund for Specialised Medical Care, to enable these units to operate with more flexibility.

It is a fact that the quality of medical care is associated with the quality of medical education and training, and the recent visit of Prof Mehra and his team from the University of Maryland School of Medicine bears testimony to the objective of uplifting the level of medical education in Mauritius. I must add that this was made possible through the personal intervention of the hon. Prime Minister.

However, in the short run, my Ministry will continue to depend on visiting surgeons who will assist us in operating upon complex cases in fields which include endoscopy, ophthalmology, paediatric cardiology, paediatric urology, maxillo-facial surgery and orthopaedics.

As regards part (a) of the question, it is to be noted that, to date, five medical teams have expressed the wish to come to Mauritius to operate and we are expecting some 10 more teams by June 2010. However, relevant confirmation and tentative dates of their missions have not been submitted yet, with the exception of two medical teams, that is, a team of ophthalmologists headed by Prof. Wajid Ali Khan from Pakistan, which is expected on 24 July 2009 and Prof. Atul Bhaskar and a team of orthopaedic surgeons expected in the first week of August 2009.

Concerning parts (b) and (c) of the question, it is a fact that the foreign teams sponsored by my Ministry operate upon complex cases on a voluntary basis in the public sector without any commitment with the private sector. Under this programme, my Ministry meets only travel costs and accommodation of the visiting team. This allows my Ministry to make substantial savings.

**Dr. Ramloll:** I thank the Minister for his answer, and I think we are all for high quality medical care and presence of competence on the island. I would like to know whether the Ministry has carried out a survey on the competencies available and whether there has been duplication of specialists and these competencies in the recent years.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, the practitioners who come to Mauritius are well-known experts. I can just name a few – Professor Dewan, Professor Granick, Dr. Kohl, Dr. Pierre de Larue and so on. These are people who are experts in their fields in their respective countries. I don't have any problem with the list of doctors who assist us here in Mauritius.

**Dr. Ramloll:** I don't have any problem with the answer. What I want to say is, at least, to consult the local competence, be it private or public, before they call on foreign competence because there has been some duplication of the competencies. This is one. I would like to draw the hon. Minister's attention to the fact that many of these institutions are using the BOI – Business Facilitation Act. I don't speak of the ones who are invited by the Government, but some private practitioners open up a company or are employed by a certain organisation. This company delivers a contract for business to these doctors and they reach the BOI for a work permit. They do get it because the BOI has nothing to do. It has to offer the permit. Once they get this permit, they go to the Medical Council for registration and, once they are registered, they start practising. The problem is: they are practising just like any private practitioner in the

country. I would like to inform the Minister that I can provide the necessary information about this malpractice which is detrimental to many of the local practitioners in the country. Thank you very much.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, if a medical practitioner comes to Mauritius and goes to BOI, abides by rules and regulations and goes to the Medical Council, I don't see any problem for these practitioners to practise. If there is a case of malpractice, we have to report to the Medical Council, and we will have to take the decision in all wisdom.

#### GOVT/MSPA – TECHNICAL COMMITTEE - *METAYERS*

**(No. B/830) Mrs S. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Agro Industry, Food Production & Security whether, in regard to the agreement signed between Government and the Mauritius Sugar Producers' Association, following the Technical Committee which was set up, he will state the number of *métayers* who have, as at to date, swapped strategic land against non-strategic land, indicating the compensation paid to them.

**Mr Faugoo:** Mr Deputy Speaker, Sir, the agreement on *métayage* reached between Government and the MSPA subsequent to the report of a Technical Committee provides the following -

- (i) the introduction as from crop 2008 of a uniform rental of 10 per cent of sugar proceeds;
- (ii) possibility of sale of non-strategic land to *métayers* who may decide to use the land for sugar cane cultivation or for any other purposes;
- (iii) swapping of strategic land with non-strategic land with possibility for the *métayers* to buy the land eventually, and lastly
- (iv) buying back by the landowners of the rights of lease from the *métayers* against payment of compensation.

A survey carried out by the MSPA in 2008 indicates that around 2,000 out of the total of 3,500 *arpents* of *métayer* lands have been identified as strategic lands. It is relevant to mention that the swapping of strategic land for non-strategic land may not necessarily entail payment of compensation.

A letter was addressed by the Mauritius Sugar Authority to the landowners in September/October 2008 to inquire how they propose to take over strategic land and sell non-strategic land to the *métayers*. So far, only Constance is implementing a scheme for swapping of strategic land with non-strategic land. The transfer has not been finalised yet.

Therefore, as at date, no swapping of land has really been effected. My Ministry proposes to follow up the matter with the MSPA and the Sugar Estates concerned shortly for a speedy implementation of the decisions reached in the agreement.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I find some contradiction in what the Minister has just said because he had, in reply to a previous PQ, said that *métayers* can swap land for non-strategic land and they would be given land, at least, of similar value both in terms of agricultural output and quality of locations and they would, at the same time, be given a compensation. That compensation would be given following valuation and cross valuation. Now,

he is saying that the swapping of strategic land for non-strategic land will not entail any compensation. Can he explain?

**Mr Faugoo:** I never said this, Mr Deputy Speaker, Sir. What I said is that there are four possibilities. One of the possibilities was that *métayers* could exchange strategic land to non-strategic land and continue cultivation or something new was introduced in the security of tenure - the land of the *métayer* was made a tradable asset. So they could opt: if they did not want to swap the land to non-strategic land, they could opt to give up their right for payment of compensation.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I beg to differ from what the hon. Minister is saying. I have in my hand a copy of the letter which was written by hon. Cader Sayed-Hossen who was Chairperson of that committee, and in that agreement it is said that prices will be determined by mutually agreed upon valuation and cross valuation. It is there. It is on paper. How is it that now we are saying that *métayers*, who will give up their strategic land, will take non-strategic land and still won't be compensated?

**Mr Faugoo:** I think it is my duty to set the record right, Mr Deputy Speaker, Sir. This is the second time the hon. Member is misleading the House.

*(Interruptions)*

I am going to clarify.

**The Deputy Speaker:** No, no.

**Mr Faugoo:** I am going to say it.

**The Deputy Speaker:** The hon. Minister shall not impute motives.

**Mr Faugoo:** When she put the first question, she said that in my answer I had said this. I have got my previous answer in my hand, Mr Deputy Speaker, Sir. Now she refers to a document, which emanates from hon. Cader Sayed-Hossen. She does not refer to my answer because I corrected myself. Now, I'll tell you something else. When the hon. Member intervened on the Additional Stimulus Package Bill, what I am going to read is exactly what she said - 'there was a technical committee which was chaired by hon. Sayed-Hossen and he came up with certain recommendations'. Do you know what they were, Mr Deputy Speaker, Sir? You, yourself, Mr Deputy Speaker, Sir, was in the Chair - let me mention some, because I can't mention everything. They were totally different from what was in the agreement. Amongst others, he made the following recommendations. First, where the *métayer* holds strategic land - I would ask hon. Members to listen - he has to swap this land for other non-strategic sugar land. I have the report with me. This has been confirmed in a meeting. I will come to that. It says that, where the *métayer* holds strategic land, he has to swap this land for other non-strategic land. As I said last time, Mr Deputy Speaker, Sir, there was no report, which came from hon. Sayed-Hossen. There was a report from the technical committee. Following the technical committee, there was a meeting, which was held to fine-tune the agreement between Government and MSPA. It's the second time that the Member is coming with a report that does not exist. There may be a letter. The letter says, black on white - and this is what I repeated in the House - that there are four scenarios as per the agreement between the Government, which was concluded, after negotiations, between the Prime Minister and the MSPA. The first question was on rental, which has been fixed to 10% of sugar proceeds. The second question was sale of non-strategic land by the owners to the *métayers*. These were the two issues. What happens to strategic land,

those lands which were defined strategic by the owners? What happens to the *métayers* who hold strategic land? After the consultation, after the technical committee meeting and further negotiations between MSPA and Government, it was decided that they can swap those lands to non-strategic land, which they can eventually buy and then continue to cultivate cane or diversify. They can even construct, if they are given the permit to convert the land. These are the three options. The fourth one, which is independent of those three, is that they can sell their *droit de métayage* and then go for compensation. That is independent of the other three, Mr Deputy Speaker, Sir.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, since the hon. Minister is saying that I misled the House...

**Mr Faugoo:** The hon. Member did!

**Mrs Hanoomanjee:** I have a letter, which was addressed to the MSPA, and that letter was tabled in Parliament last time. I am only quoting from that letter. I am sure that he is aware. It is signed: hon. Cader Sayed-Hossen, and that letter is addressed to MSPA. In that letter, it is specified: 'Sale of land to *métayers*'. It is specified in that letter that, in case of swapping of strategic land to non-strategic land, there will be compensation to *métayers*. The small planters have been occupying land for almost 40 years and when they took over that land, it was marginal land. They transformed that land into strategic land and, now, they are being asked to move from that strategic land to non-strategic land and start all over again without any compensation. Can the hon. Minister confirm that this is the situation in which small planters are today?

**Mr Faugoo:** What I am confirming to the House, Mr Deputy Speaker, Sir, is that no *métayer* is bound to give up his land; strategic or non-strategic. They cannot buy out strategic land; this is the agreement between the Government and MSPA. They can only buy out non-strategic land. If some *métayers* happen to be on a strategic land, what option do they have? This is what I said, and it is clear. They can swap it to non-strategic land, which they can ultimately buy and continue to cultivate cane or continue to grow anything they wish, or they can construct, because they will be owners, or alternatively, they can, as I said, sell their *droit de métayage*, which did not exist before. This was allowed by the negotiations. I am asking the hon. lady to find out. Maybe, it is a different letter; I don't know. All these agreements emanate from the settlement which has been reached between Government and the MSPA. These are the options. So, we are not asking anybody, no *métayer* whatsoever to give up their land for compensation or for swapping. It is something which is voluntary, and if it is in their favour, in their interest, they can go forward and do which is best for them, Mr Deputy Speaker, Sir.

**Mrs Hanoomanjee:** The Minister has just said that the small planters are not bound to give up their strategic land. Is he aware that there are some sugar estates, which are constantly pressurising these *métayers* to swap their strategic land? I have a case over here, in the factory area of Deep River Beau Champ. There are about 45 small planters who are constantly being pressurised; they are being coerced to give up their strategic land for non-strategic land. Is he aware of that?

**Mr Faugoo:** I am not aware of any pressure, because I don't get into the business of the sugar industry, Mr Deputy Speaker, Sir. When representations are made to us, like in the case of Bel Ombre, we act in good faith, and we act very promptly. We have stopped whatever negotiations were going on between Bel Ombre and the *métayers* of that region; we have freezed whatever negotiations had taken place between these two parties. As far as others are concerned,

we have sent messages, we have explained to these people whatever decisions we have taken is what is in the agreement between Government and MSPA - So, if behind our back, pressure is being put with the *métayers*. But one thing must be clear. Even if they get these lands from these *métayers*, according to the SIE Act, they cannot make use of that land without the consent, without the agreement of the Minister; they cannot use the land for other purpose, other than cultivation of cane. So, they have to come back to the Minister, they have to go back for approval with the MSA, Mr Deputy Speaker, Sir.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I have the impression *que le ministre est en train de se laver les mains avec les petits planteurs.*

(*Interruptions*)

**Mr Faugoo:** No! Not at all!

**Mrs Hanoomanjee:** Because he just said that he cannot deal with the day-to-day business of what is happening between the planters and the sugar estates. The Minister said, in reply to a previous question, that it would appear that these small planters have not been given the proper required assistance. Can I ask him what is the assistance that is being provided now to those 45 planters I am mentioning in the Deep River/Beau Champ area, who are being coerced to give up their strategic land? Who are the officers who are involved in providing them the assistance? Or are they being left once again up to themselves?

**Mr Faugoo:** Last week, it was suggested I am doing nothing for the fishers, and this week I am doing nothing for the planters! I must be doing something, Mr Deputy Speaker, Sir! So much is being done. What has the lady done if she has got the information? She is also a citizen, she is also an MP, and she is saying that these are planters of her region. Is it not her duty to go and tell the MSA, to tell the Ministry what is happening, Mr Deputy Speaker, Sir? It is her duty also!

**The Deputy Speaker:** So, she will do it.

**Mr Faugoo:** As I said, in the case of Bel Ombre, we have freezed negotiations. Now that I have been made aware, we will ask the MSA to look into this case also, because this is the regulatory authority, Mr Deputy Speaker, Sir. We will ask the MSA to look into it.

**Ms Deepalsing:** May I ask the hon. Minister – I think there is some confusion on the part of the hon. Member on the other side of this House – for the sake of clarity...

(*Interruptions*)

**The Deputy Speaker:** Can the hon. Member put the question, please?

**Ms Deepalsing:** Can I ask the hon. Minister, for the sake of clarity, whether he can confirm, when we are talking about non-strategic land and strategic land, the definition of non-strategic land and strategic land? We may get the impression that the non-strategic land is of lesser value than the strategic land. It all depends on the definition, because some of the non-strategic land is landlocked. May I ask the hon. Minister whether he can confirm that, in some cases, when the *métayers* are swapping non-strategic land for strategic land or vice-versa, they may be getting a better deal, because they have land that is not landlocked and, therefore, not difficult for them to work? May I ask the hon. Minister whether he could set up a meeting? Because the *métayers* of Bel Ombre have been asking for a meeting to discuss all these issues. I

would like to ask him whether he could kindly set up a meeting in the Bel Ombre area for the *métayers* of Bel Ombre.

**Mr Faugoo:** This is exactly so, Mr Deputy Speaker, Sir. As I said, one of the conditions in swapping is that the swapping must be of equal value, both in terms of location and productivity. This is one of the basic conditions. The hon. Member can read the letter; it is in there.

**Mr Jugnauth:** In view of the big difference between what I would call the *rapport de force*, because there is the sugar estate on one side and on the other the *métayers*, they would not be negotiating, at least, at arm's length. I take upon what hon. Mrs Hanoomanjee has said and in the light of what the hon. Minister has said earlier in this House that, at one time, he was informed that, at least, one sugar estate was doing something behind the back of the Ministry. May we know, because the *métayers* definitely need to be assisted in that kind of land swapping? They don't have this appropriate knowledge and all the information, certainly not even upon valuation. Can the hon. Minister see to it that they are given the appropriate assistance so that in the light of any swapping that has to be done, they don't lose?

**Mr Faugoo:** This is exactly what I have said the last time, Mr Deputy Speaker, Sir, that whatever will be done on swapping as from the case of Bel Ombre, it has to be under the supervision of my Ministry and of MSA. This is what I had said in the House.

**Mr Bodha:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he can confirm to the House that no *métayer* will be coerced to leave his strategic land?

**Mr Faugoo:** I cannot give any undertaking, Mr Deputy Speaker, Sir. If something happens behind the back of the Ministry and MSA, I cannot be held responsible. What I am saying is that, for any exchange of land, whether strategic, non-strategic or whatever it is, that takes place, at the end of the day, they have to come back for approval with the MSA. They have to come back to the Minister before they put the land for other use; otherwise, they have to grow sugar cane according to the SIE Act, Mr Deputy Speaker, Sir.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the hon. Minister just said that I am confused. Let me say that I am not confused at all in what I am saying. He is saying that I should go to the Mauritius Sugar Authority. The Mauritius Sugar Authority falls under his responsibility and he is asking me to go to there.

The second thing is that if nothing had happened behind the back of the hon. Prime Minister, why is it then that he has had to ask the Director-General of the MSA to resign?

**Mr Faugoo:** Mr Deputy Speaker, Sir, I never said so. The hon. Member is still confused. Because it is the other Member who said that she is confused, she is putting it on me.

*(Interruptions)*

She is doubly confused, Mr Deputy Speaker, Sir. Last time, I had said in very clear terms that they were not given the proper assistance, and I was asked who had not given. It was the MSA that had not played its role. This is where I had said that sanctions would be taken. And it was taken indeed on the same day.

**The Deputy Speaker:** The Table has been advised that PQ Nos. B/805, B/832, B/838, B/839, B/840, B/844, B/847, B/848, B/852, B/857 and B/863 have been withdrawn. Time is over!

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

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

**Mr X. L. Duval** rose and seconded.

*Question put and agreed to.*

**PUBLIC BILLS**

*First Reading*

*On motion made and seconded the Finance (Miscellaneous Provisions) Bill (No. XVI of 2009) was read a first time.*

(4.24 p.m.)

**FINANCE BILL – INTRODUCTION – POINT OF ORDER**

**The Leader of the Opposition (Mr P. Bérenger):** Mr Deputy Speaker, Sir, I would wish to make a point of order and ask for the Chair's ruling; not necessarily right now.

A Finance Bill is being moved at First Reading. So, the hon. Vice-Prime Minister and Minister of Finance is going to present the Finance Bill. And the parliamentary practice is that after the Minister of Finance has presented the Bill - we listen carefully to what he has to say - the hon. Leader of the Opposition stands up and replies in the light of what has been said. Now, we have a Finance Bill, where there are issues that have nothing to do with the Ministry of Finance. Supposedly, the Bail Act, the Certificate of Morality Act, the Law Reform Commission Act and so on are being amended through a Finance Bill. It is the same thing for tourism. So, my point of order is: I would like to have your ruling. What are we supposed to do? I am sure the hon. Minister is not going to speak on the Bail Act and so on. He is not going to speak on tourism. So, are we going to have three Ministers standing up one after the other and then the hon. Leader of the Opposition would reply in the light of what has been said, or are the hon. Ministers going to stand up and speak on finance, then I will reply, and then the Ministers will explain? After the hon. Leader of the Opposition has spoken, will the Ministers explain why the Bail Act is being amended and so on? I seek the guidance of the Chair. This is *sans précédent*.

**The Deputy Speaker:** I will look into this issue and give a ruling at a later stage.

*At 4.27 p.m., the sitting was suspended.*

*On resuming at 5.03 p.m. with Mr Speaker in the Chair.*

*Second Reading*

**THE DNA IDENTIFICATION BILL**  
**(NO. XII OF 2009)**

*Order read for resuming adjourned debate on the DNA Identification Bill (No. XII of 2009).*

*Question again proposed.*

**The Minister of Local Government, Rodrigues & Outer Islands (Dr. J. B. David):**

Mr Speaker, Sir, I believe that, in the first place, we should understand the spirit in which this Bill is being introduced. First and most importantly, it aims at providing a legal framework for the taking and using of DNA sample and, for us, this is of prime importance.

We know, Mr Speaker, Sir, that, since 2001, DNA testing has been used in crime investigation and since then dozens of cases have been used in the same context without any legal framework. We should not make as if - and this is the impression that has been given by the Opposition - it is the first time that we are resorting to DNA testing in Mauritius in crime detection. The last case which comes to our mind - and very vividly - is the case of Azie in the Dantier murder case. Azie, a poor man! And were there not DNA testing, we cannot guarantee what would have happened to Azie.

So, the first thing that we should know is that DNA testing has been used in the past without legal framework, and we are having a step further in the right direction in saying: yes, we've used from the information gathered over a hundred cases since 2001 and now this Government has found it reasonable to introduce this DNA Identification Bill. Before that, it was only sampling being sent to South Africa. And what happened to these samplings, God knows! True it is that we are extending the use of DNA samples. For example, DNA samples are being used in cases of serious offences. We want also to establish a DNA database or to establish filiation or to establish database for missing persons, but, above all, we've made sure, Mr Speaker, Sir, that safeguards are provided and that we operate within acceptable parameters. That's my first observation.

So, we are filling a void by bringing in legal framework. My second observation is that we want to make sure that we get the best international practice. And this is why the Prime Minister has said it, and it is known that we've had wide consultations with several stakeholders. This Bill is not a result of some arbitrary decision; this Bill has been well-thought, well-discussed and it has stood the test of debates, the test of discussions, the test of quizzing and the test of challenges. And even when the Prime Minister was intervening a fortnight ago, he said that he still has an openness of mind on a few issues, and this he even mentioned very clearly in his speech.

As I said, various stakeholders have been called upon for discussions. Mr Speaker, Sir; stakeholders like the National Human Rights Commission, stakeholders like the Data Protection Commissioner, and we also remember the Discussion Paper which was released by the Law Reform Commission in April this year. In fact, the Law Reform Commission - and it is on its website - presented a paper on forensic use of DNA. Let me quote just two lines where the Law Reform Commission said –

“The Commission acknowledges the importance of developing a comprehensive and unambiguous legal framework for establishing and management of DNA database.”

Confirming what I was just saying: that before, samplings were taken, but without legal framework. And in April this year, the Law Reform Commission confirmed and went in the same direction as Government and the Prime Minister when he said that we need to have a comprehensive legal framework, and this is what this Bill purports to do.

Some people have been asking for an additional week just to discuss and find out what this Bill is all about, but since March this year - and when we go on the website of the UN

General Assembly, there is a report on Mauritius - the report refers to DNA Identification Bill and it refers also to the wide discussions which will take place around this subject.

May I, with your permission, read these few lines, Mr Speaker, Sir? It is on 30 March of this year -

“A DNA Identification Bill is currently being fine-tuned in consultation with all stakeholders.”

And it adds -

“With the enactment of this legislation, criminal investigation will be operationally driven with intelligence generated by a DNA database.”

And it continues a few paragraphs on the DNA in the Identification Bill. So, everybody knew that we were about to come with it, and we've taken time. The Prime Minister himself said last time that he has taken time because he himself was not satisfied with a few clauses and he wanted to make things clear and to fine-tune with several stakeholders. So, it is not just a question of having one more week, *en amont*, upfront; we've discussed lengthily. And all these discussions and argumentations aim precisely, Mr Speaker, Sir, at striking the balance between what DNA sample is expected to achieve, on the one hand - we want it to achieve it, and I'll explain how and why - and, on the other hand, civil liberties. Nobody doubts the reliability of DNA testing in investigating crimes, just as nobody doubts our sincerity in providing protection for individual liberties.

Mr Speaker, Sir, we all have the feeling that it is a major breakthrough where we are bringing science as an assistance, as a help in criminal investigation. From what we have heard from all the sides, be it from the Government side certainly and even from discussions, from debates prompted by the Opposition side, we know that there is more than just consensus on this Bill.

The main arguments which have been submitted in this House, I suppose, are the same sets of arguments which worldwide have been generated when this Bill came to Parliament either in Europe or elsewhere. What are these sets of arguments? There must be an acceptable balance between protecting the citizens against criminals and ensuring human rights. Mr Speaker, Sir, fortunately, we are not reinventing the wheel. The DNA has been used in many countries for over 15 years and experience has been gathered. Experience gathered by other countries has been an advantage for us. Where there have been flaws and weaknesses elsewhere, this has helped us to correct and to adopt an acceptable stance. Where courts have given judgement, like the European Court on Human Rights, this has helped us to become wiser, Mr Speaker, Sir. For example, questions of retention of DNA records, this has been challenged in court and judgement has been obtained. We have made sure that our Bill, the Mauritian Bill is closer to perfection than any other Bill in Europe. We not only introduced sufficient safeguards, but we have been backed up by competent authorities. For example, in the UK, for any recordable offence, the DNA profiles are kept as database. Recordable offence, from what I read and understand, means anybody involved in a major or minor crime, whether guilty or not, DNA samples are taken. We have avoided here this pitfall, this weakness, this flaw. We have been wiser by referring not to recordable offence, but serious offence. We have even heard the Prime Minister say that if need be, we will list these serious offences. As I said, we've drawn lessons from strengths and weaknesses abroad.

Mr Speaker, Sir, we don't want this Bill to be a breach of right to private life. Where others are opting for retaining the samples without any time limit or where others are retaining the samples for 25 years, we've gone on the low side. We have opted for a period of 10 years and for still a lesser period of two years if the person concerned moves for the sample to be erased. As I said, the Prime Minister has even shown openness on more than one issue as regard human rights.

In other countries, Mr Speaker, Sir, DNA samples are taken care of by private companies and, more than that, there is even business about the DNA profiling and DNA samples. We've refused this way. We have not adopted this policy. In fact, I can make a list of pitfalls and concerns which we have avoided. Mr Speaker, Sir, this is why we feel at ease with both aspects of the Bill. I mean the individual liberty's side and the tool which the Bill provides to combat crimes. Let me be clear about both issues. The Prime Minister has said it often times and I want to repeat it, that we will be relentless and unwavering in our commitment in fighting crimes. Nobody can doubt that in the history of Mauritius, our commitment to human rights has always been alive.

Mr Speaker, Sir, the DNA Bill raises fundamental issues. As I said, it has raised it in many other countries because the DNA testing gets at the core of the individual. It gets at the core of our being, it goes deeper and deeper than the knives of men can go, it goes in our inner self. People are usually very apprehensive about this deep dive in their being, in their intimate self. But if this biotechnical investigative method brings results in the search for truth in criminal action, let's go for it, Mr Speaker, Sir. Let's go for it because it will be an additional, reliable and powerful tool in fighting crimes. We've given sufficient safeguards: legal safeguards, constitutional safeguards and ethical safeguards. So, where is the wrong? All these have been embedded in this Bill.

Mr Speaker, Sir, nobody can deny the fact that we are living in a society which is becoming more and more complex. This complexity is obvious in all fields of living, in all fields of human activity, unfortunately; this is equally true in the field of crimes and the field of lawlessness. We are at times baffled by the means and techniques used by organised criminals, be it in drug trafficking, be it in murder, be it in cases of abduction. The nature of criminal acts is at times horrible, Mr Speaker, Sir. Their foolhardiness is horrible. This prompts us to revisit the tools that we must give to the police and the judiciary. It is precisely in the context of empowerment of the relevant authorities engaged in the fight against crimes through science and advanced technology that we are introducing this Bill. We cannot give yesterday's answers to today's problems. For those who are afraid, for those who bring in doubts, let me say that the days of fingerprints are long over. If science can assist us in having better clamp on crimes, where is the wrong? In fact, Mr Speaker, Sir, we are not going here with techniques with which we are not quite sure. All those scientists and criminologists have underlined the reliability of DNA testing. Nobody can deny the fact that we live in a world where security threats are unprecedented.

This is a challenge which all countries have to address in the best possible way and with the best possible practice. Mr Speaker Sir, let me make a major statement here. The freedom of the individual is meaningless if it is not properly protected against crimes and lawlessness. We cannot allow people, in the name of freedom, to put in jeopardy the freedom of others. This is why I said that the freedom of the citizen has no sense at all, if he feels threatened by criminals, if there is a network of criminals breaking the laws. How can we refer and talk of democracy, of

freedom and of protection? It is obvious that criminal forces are now using modern technology for evil ends. If the criminals are using the internet, if criminals are using modern technology, if criminals are using science, why should we lag behind as a government? On the contrary, we must always forestall them and now that when we got a powerful tool, some people want us to say: "No, do not use it. Use fingerprints." This is, Mr Speaker, Sir, an old tale which no more exists today. We should be vigilant and have an edge on them. We should always be proactive and be in the forefront, be in the vanguard, be in the front row, be at the centre stage, when we want to govern and act.

Our primary concern is to have a protected society against crime though fundamentally we believe in human rights and we want to protect it. This is the beauty of the situation, striking that balance between what may be termed as two opposite poles and this the greatness of a government, which has the courage to say: 'Yes, we want to clamp down on criminals, but yes, we want to protect your liberty as well'.

What have we not heard when we introduced CCTVs! What have we not heard, years ago, under the first Ramgoolam Government, when we wanted to introduce the smart card, biometrics! Some people were against, just as some people were against the CCTVs! Big brother is watching you! But see what happened at Flic en Flac. Within 24 hours, criminals were caught. *Résultat instantané*, as my colleague is saying. In fact, this is what we want to do. We want to address, with the help of science and technology, very complex issues, and we feel, Mr Speaker, Sir, that we are really bringing science in our search for truth in criminal cases.

Let us be clear about one thing. We are standing as far as ethics is concerned. We are standing on very firm grounds because we got core values and time tested values, Mr Speaker, Sir. Nobody in this House can point a finger at us and say that we are dictators and say that we are acting or governing arbitrarily. The history of human rights, the history of respect for dignity, is associated with the Labour Party. It would be irrelevant for anybody to say we want to have protection of the individual, protection of human rights, when they know for what we stand for.

Mr Speaker, Sir, for those who may doubt or for those who are still asking questions and say that we have in this country a National Human Rights Commission, that we, as a country, sit on the United Nations Human Rights Council, let me quote very quickly, just to dispel any remotest doubt that some people may have, what the United Nations Human Rights Council says about Mauritius. The title of this article is "Human Rights Council praises Mauritius" and I would like to read just two lines -

"Mauritius is a model of stability and democracy. The country was positively rated for its commitment to democratic principles and empowerment of people and its high level of human development and socio-economic growth".

Where is the fear when some people would come and say human rights are not sufficiently protected, give us one more week and we will try to find out how best to bring alternatives to that! No, there is none!

We know on which firm ground we are standing and we know what our values are. Can I say how proud we all were - just recording history, in 1973 - when Sir Seewoosagar Ramgoolam was awarded from United Nations an award for outstanding achievement in the field of human rights? So, let nobody try to point a finger at us saying that this Bill could be a

stumbling block, could have some embedded problems as regards human rights. No, Mr Speaker, Sir!

In his intervention, the hon. Prime Minister has reacted several times to show how sensitive he is as regards the issue of human rights. We firmly believe in fundamental principles of liberty and respect for human rights.

Mr Speaker, Sir, the British Prime Minister replying to a PQ recently in Parliament there said that crime has gone down by 60% in areas where CCTVs have been installed and over 29% because of DNA sampling and DNA profiling. Let us be clear enough, Mr Speaker, Sir. We should not allow, in the name of liberty, criminals to destroy liberty. We should not, in the name of democracy, allow our clause to jeopardise democracy. In fact, with this Bill and with the determination of Government, we want criminals to feel that they are in danger. We want criminals to feel that they can be trapped anytime, and may I perhaps refer to the excellent job that the police are doing at the moment. The moment we hear of a crime, 24 hours, 48 hours later, the criminal has been apprehended by the police. What does this prove? This proves that, upfront, a lot of things have been done in terms of police reforms, in terms of policing, in terms of investigation of crime and this Bill adds one more jewel to the crown. It adds one more instrument in what has already been done upfront.

By introducing this Bill, Mr Speaker, Sir, we are confirming our will. We are confirming our commitment in making of science a potent ally in our search for truth as far criminal investigation is concerned. By introducing this Bill, we want also to show our unflinching determination. This Bill is neither lopsided, as some has said, it is not loaded; It is not political even when reference is made to the Prime Minister or to the Attorney General. We have taken a lot of people and a lot of authorities on board, Mr Speaker, Sir. For example, we have taken on board the registered medical practitioner, the police officer not below the rank of superintendent, the Commissioner of Police himself, the Judge in Chambers, the court and the Supreme Court themselves, foreign law enforcement agencies. On top of that, we have got protocols and guidelines to assist us in collecting, in storing and even in the destruction of DNA sample. Our objective is to be efficient in crime detection. We want to say to the nation that there will be no tolerance as far as fighting crime is concerned, no leniency but, at the same time, we do not want to go beyond permissible rungs.

Mr Speaker, Sir, there is another aspect concerning ascertaining of filiation. The moral aspect or the private life of people does not concern us as far as filiation is concerned. Very often, we read on papers or we know of cases which are really moving. We are often moved by the sufferings of parents and children who ask for justice in the recognition of their birthright, of their blood ties. *Il y a un besoin identitaire très profond pour ceux qui ne savent pas qui est leur père, pour ceux qui veulent établir les liens de parenté. Les situations sont terribles. Nous tous qui sommes des parlementaires, sommes en contact avec le public et nous avons des cas où des enfants cherchent leur père ou des pères qui refusent la paternité. Voilà que la science viendra mettre fin aux ambiguïtés et aux doutes, M. le président.*

*Je voudrais aller à la fin de mon intervention dans un contexte plus large ; la lutte contre la criminalité est également transfrontalière. Avec la mondialisation, on n'est pas surpris qu'il y ait une mondialisation de la criminalité. How to address that problem ? Que ce soit le terrorisme, que ce soit le trafic de drogue et que ce soit d'autres actes répréhensibles qui mettent en danger un pays ou plusieurs citoyens, voilà que le DNA Bill viendra à la rescoufse.*

We still recall, Mr Speaker, Sir, that the G8 meeting in May this year in Rome called for international cooperation as regards fighting crime. We know that the DNA testing and genome technology are powerful weapons to help us in that context. We want to say to the world, not only to the people of Mauritius - but in the first place to our citizens - that Mauritius is ready. We are ready to cooperate with foreign law enforcement agencies and we have got all the means to do it now. We want Mauritius to be counted among countries which mean business in the fight against crime. We want to cooperate with other countries when the need is felt.

Mr Speaker, Sir, a society which wants to progress and to be powerful should aim at becoming an intelligent society, and intelligence is precisely the propensity to open up to new researches and discovery. This Bill places us in an Ivy League. We are moving far away from the days of fingerprints and we are getting into the days of science. *Il y a des moyens sophistiqués qui sont maintenant mis en place à travers ce projet de loi, et nous voulons dire au monde que nous avons atteint ce palier nécessaire* to be among countries which are in the forefront in fighting crimes with the help of science and with the help of new technology.

Mr Speaker, Sir, I will end by saying that freedom for the citizen is primarily the freedom to feel protected and to live in a crime free society. Is it utopia? Do we dream when we talk of a crime free society? But if we don't dream, we will never reach it.

Thank you, Mr Speaker, Sir.

(5.35 p.m.)

**Mrs L. D. Dookun-Luchoomun (Third Member of La Caverne & Phoenix):** Mr Speaker, Sir, I have listened carefully to all the different interventions made in this House. It is clear that no one needs to be convinced of the importance of DNA technology. I believe that there is general consensus on most of the clauses of this Bill, though concerns have been raised on certain matters relating to civil rights and liberties, regarding the collection, the storage of DNA samples, DNA profiles and also on the retention of DNA profiles for people who have been charged and subsequently found innocent. The issue of research on DNA has also raised certain questions. It is clear that on the other points namely: data records, DNA population statistical database, DNA database for unidentified and missing people and the use of DNA in filiation, most hon. Members of the House agree.

Mr Speaker, Sir, it is clear that when technology is available, it must be made use of by law enforcement agencies as it will certainly help in solving criminal cases. I think that it was mentioned earlier in this House that DNA technology is but one of the many techniques being used nowadays in the detection and prevention of crime. However, many Members of the House have mentioned the CCTV. The CCTV installations, as the hon. Minister has just said, have proved to be very effective in the detection of crime. The two recent cases, one of the gang rape at Flic en Flac and the other one of the hit and run have shown how effective such techniques can be. Yet, Mr Speaker, Sir, even the CCTV circuits have raised doubts and people in this House itself had mentioned that they had fears and apprehensions about their privacy. Mr Speaker, Sir, in spite of the fact that such fears may arise, no one can deny that the use of such technology has facilitated the detection of crime and the prosecution of offenders. What is more is that the installation of CCTV in Mauritius is being used nowadays as a strategy not only to detect criminals and prosecute offenders, but also as a deterrent of crimes and the beneficial effects are indeed significant.

Mr Speaker, Sir, the possibility of using DNA technology, it is understandable, will cause certain people to have the same concern about privacy and civil rights. But, Mr Speaker, Sir, to be fair, I sincerely feel that in preparing this piece of legislation, great care has been taken to address these issues. In fact, while we go through legislation elsewhere in the world, we find that certain problems which had arisen have been taken care of in this particular Bill. Here, I would like to go on certain of these points, namely, the criteria for collection of DNA samples. The hon. Member mentioned that in England, DNA samples are collected in cases of recordable crimes. In our legislation, mention has been made about serious crimes and serious crimes have been defined as “offence punishable by imprisonment and penal servitude”. It is true, Mr Speaker, Sir, that it is going to be decided upon by a Superintendent of Police, whether or not to collect DNA sample. But, elsewhere in the world, in Canada, for example, the DNA samples are taken in certain designated crimes and there would be no harm, even in Mauritius, to list the crimes that we consider to be serious crimes which will require collection of DNA samples.

In Canada, for example, DNA samples are taken in certain designated crimes, and there would be no harm even in Mauritius to list the crimes that we consider to be serious crimes, which would require collection of DNA samples. In Canada, the list includes hijacks, the use of explosives, murder, sexual offences and, Mr Speaker, Sir, nothing prevents us in Mauritius also to designate a list of serious crimes for which DNA collection can be undertaken.

Another point, which has raised doubts, is the term ‘non-invasive procedure’. I feel that there should have been a definition of non-invasive procedure. In the legislation, it is mentioned that for mouth swabs the police officer can carry out a mouth swab to collect cells and DNA samples. I still feel, Mr Speaker, Sir, that the mouth swab, if it is a non-invasive sample or procedure, should be done by someone who has been trained for it, by a nursing officer or a forensic officer, because a swab can be contaminated by other sources of DNA or by certain chemicals which might denature the DNA. So, care must be taken to ensure that such problems do not arise.

Now, what do we consider to be invasive procedures or non-invasive procedures for that matter? Are we talking about the collection of a few strands of hair? Are we talking about cells being retrieved from the nails of a victim or of a suspect? For all these matters, we need to have it clear in our mind what we are talking about, what type of DNA sample is being collected, and all this should be clearly spelt out.

Mr Speaker, Sir, a lot of apprehension has been raised as to the collection of DNA samples and the retention of the samples of people who have been previously charged and subsequently acquitted. This matter can be tackled at two levels: on the one hand, about the measures taken in the Bill to tackle the problem of confidentiality and, on the other hand, about the scientific aspect of it. What is the DNA sample and what is a DNA profile?

First of all, let me talk about the legal provisions in this Bill. As far as information about any suspect or any convict is concerned, from the legislation it is clear that people handling it will have to make sure that they keep this information totally confidential. And this idea of confidentiality is backed by penalty in case the confidentiality is not respected.

Mr Speaker, Sir, let us talk about the DNA samples. The fear that has arisen is based on the fact that people believe that lots of information about an individual can be retrieved from a DNA sample. Such information will include potential risk of diseases, family linkages and things

such as medical information and certain aspects that the person, himself, may not be aware of. Firstly, we have to understand it in a scientific way.

DNA data has been defined by the Chief Scientist of the Forensic Science Service and the custodian of the National DNA database in UK as follows and I quote -

'DN samples consist of tissues or cells obtained from the scene of crime or from suspects in the form of blood, hair strands, skin cells which are retained for analysis. The DNA profile, on the other hand, is digitised information that is stored electronically on the National DNA Database together with details of the person to whom it is related and the details of the case'.

Mr Speaker, Sir, in the famous case of S. and Marper v/s the United Kingdom, Dr. Bramley explained that the scientific testing of DNA for the purpose of generating a DNA profile is based on the analysis of non-coding region of the DNA, which is known as the STR (Short Tandem Repeat) Analysis. Such DNA information, Mr Speaker, Sir, does not reveal anything about the individual's characteristics or his nature. The STR (Short Tandem Repeat) Analysis is used to create a DNA profile and does not permit extraction of any form of information on that individual. Now, although genetic information from samples can be obtained in theory, the use of DNA samples for forensic purposes is limited to detection of crime and prosecution of offenders. Thus, the use to which they retain biological material is restricted and can be further restricted by this present legislation. It is true that in our piece of legislation, it is mentioned that the DNA samples can be used through research and we haven't mentioned, however, what type of research. This is where, Mr Speaker, Sir, I would like to ask some clarification about the type of research that will be carried out. Is it research to determine the occurrence of a particular set of STR (Short Tandem Repeat) Analysis in our population, the incidence of its recurrence, or is it research at another level talking about medical research? This we have to be clear about. Who is going to carry out the research and for what purpose, Mr Speaker, Sir?

To overcome this particular problem, we have to be clear about something. If people are scared about the use of their DNA, when they are a suspect or a convict, to be made use of in medical research and object to it, since the legislation provides for the possibility of people volunteering to give their DNA samples for the purpose of the national DNA database, why not restrict research to such types of DNA samples? In other countries, Mr Speaker, Sir, there are different types of DNA database. They have an index of convicted persons, an index of suspected persons, and the database of unidentified and missing persons. Mr Speaker, Sir, I think that we have a way out. The fact that we have these volunteered donors for DNA samples, we can make use of this particular sample for research purposes.

On the other hand, Mr Speaker, Sir, very often, people state that if someone has been exonerated, why should we retain his DNA. I think, last week, hon. Varma had mentioned that he has no qualms about retaining DNA, and I do agree with him on that particular matter. Why should we say that DNA of a person who has been firstly charged and subsequently acquitted not be kept in the DNA database? What is the fear? In fact, our legislation is stating that we are going to retain his DNA for a period of 10 years. Why should we query this? Why should we question this possibility? Because, Mr Speaker, Sir, it has been shown in various parts of the world that very often people who have been acquitted for one reason or the other tend to be involved in other crimes. And if you have acquitted them and you have done away with their

DNA samples, you are losing a chance of getting them back into the net later on. The question which arises is: why should such DNA be considered to affect an individual unless that individual gets implicated in a future crime by DNA collected at the scene of crime? It is, in fact, only when two sets or two DNA profiles are matched with each other that this individual will be implicated in any criminal case. So, there is no real risk to that individual. In fact, our legislation provides for the retention for ten years, and further we find that, if a petition is made, the person can get his DNA erased from the database within a period of two years. In fact, I should think that this particular clause should not have been there. Why are we leaving a door open for someone who has been implicated once, even though he has been acquitted, to go away without having any chance of catching him again? Mr Speaker, Sir, in fact, it is this person only who is fearing to be considered as a potential criminal in the future; otherwise, the question would not arise.

Perhaps to better understand the need for retention of DNA, we should go back to England. Why was the 1984 legislation amended? Why was it that, as from 2001 onwards, DNA of charged and acquitted individuals retained? Obviously, later on, the European Court decided that it was not correct and legislation was made in England to ensure that it is retained for a period of 12 years. But the question is: why did they bring about this amendment? It is, Mr Speaker, Sir, simply because there were cases where the DNA which was expected to be erased was still kept and it was noted that the person who was acquitted, his DNA was obtained from a scene of crime and the victim did not even know that person and was linked to that crime. In such cases, Mr Speaker, Sir, it would seem better to keep the DNA samples rather than to get rid of them over a period of time. It is perhaps worth noting, Mr Speaker, Sir, that in England, by the end of 2005, there were 3.4 million DNA profiles which were held in the UK database and this followed the amendment made in the UK legislation, the Police and Criminal Justice Act in 2001. We must try to see what had prompted them to do so.

Mr Speaker, Sir, in March 2004, it was estimated that about 128,000 DNA profiles on the database which would have previously been destroyed, had given rise to the arrest of a number of individuals. From these, approximately, 5,922 DNA profiles have been linked with crime scenes stained profiles in respect to 6,280 offences. These offences, Mr Speaker, Sir, included 53 murders, 33 attempted murders, 94 rapes, 38 sexual offences, 63 aggravated burglaries and 56 offences of dangerous drug supply, solely from acquittal cases. This, I think is a strong case why DNA samples should be retained even after acquittal of the charged persons, the suspects, Mr Speaker, Sir. Therefore, I am not very much for the idea of a person who had previously given consent to give his DNA sample to revoke this consent. In fact, when a person asks for revocation of his consent, it gives the impression that he has something to hide and it is this, Mr Speaker, Sir, which makes me believe that this revocation clause could have been reviewed. Because if you are retaining the sample for 10 years and, after 10 years, it is automatically going to get deleted from the database, so why the hurry? Unless that person intends to do something which is wrong!

We already know that the legislation has made a further provision, that in case a person manages to prove that his DNA is being put to use in a way other than what was provided for in the legislation, the DNA can be immediately erased through a court order. Mr Speaker, Sir, I believe that there are many safeguards. I have the impression that, very often, we tend to take a lot of care to protect civil rights of offenders, but it is also important, Mr Speaker, Sir, to ensure that protection of civilians be taken care of.

Mr Speaker, Sir, the figures given by Dr. Bramley speak for themselves. It is important that we can keep the data and destroy it at a later stage when the State feels that this person is really not going to be a danger for the rest of the nation. The rates of crime, the atrocity of offences are growing in our island and the number of complaints of police brutality to obtain confessions has been increasing over the years. Mr Speaker, Sir, it is important to keep the image of our island as a safe tourist destination and we know how much bad publicity is given around the world in certain areas about Mauritius, and this is going to affect adversely our influx of tourists. So, I am convinced that there is a need to come up with such legislation and a need to protect people, and this is taken care of in this Bill.

I think we are all convinced of the need to use this sort of technology for solving cases, although we do have some concern about the way we go about it. Mr Speaker, Sir, the unsolved Dantier and Lagesse cases have been mentioned in this House a number of times. The death of suspects in police custody also has been mentioned. We know of the Lallmatie case where the suspect died in police custody. These are but a few cases where DNA technologies might have helped if not to find the offender but, at least, to exonerate or exculpate the innocent suspects.

Let me now come to the issue of the setting-up of an unidentified or missing person data. Mr Speaker, Sir, if we go back to the case of that young Ackmez who has disappeared, we may say, and whose parents are still looking for him, it is but an example of the distress of parents who lose a child and who have no idea of his whereabouts. I think, Mr Speaker, Sir, that the majority of missing persons, if unharmed, generally return home in a short period of time. However, some families struggle for years or decades without knowing the fate of their loved ones. The missing persons' database can be created by collecting DNA data from close relatives in the hope of some day finding and identifying the missing individuals. Although it is very difficult, some families do come to realise that they may not learn the fate of their missing relatives. Such families, Mr Speaker, Sir, would do anything that they can to ensure that everything is done to locate their missing ones, fearing that the latter may never be identified or may be forgotten if the families are not able to keep up with the search. Mr Speaker, Sir, these people come forward and voluntarily give their DNA samples to make sure that some day they will see their lost relatives or dear ones. The missing person database not only gives relief, because it reassures the parents, but it also helps, Mr Speaker, Sir, in fighting criminality. There are cases in Canada where the dead remains of a woman were obtained and it was suspected that it was those of a missing young girl. However, the DNA profile was matched with that of the mother of the missing person, and it was found that it did not match. So, it still allowed the parents to hope that someday they would locate her. Identifying human remains involves more than providing answers to families concerned, Mr Speaker, Sir. There are consequences to public safety as well, and the identification of human remains allows the police to determine whether or not there has been foul play and, in which case, it will lead to the identification of suspects and, probably, apprehending the person responsible - DNA technology, this missing persons DNA data, promise of activating the identification process. Often, Mr Speaker, Sir, offenders manage to avoid detection by taking steps to prevent identification of victims, and this problem can be overcome with the Missing Person DNA Index.

Mr Speaker, Sir, the setting up of the DNA population's statistical database for the purpose of interpretation of results for forensic analysis is important. But then, Mr Speaker, Sir, the data for that purpose may be acquired from volunteers with the view of ensuring that they are representatives of the Mauritian population, and I believe this particular data will remain

anonymous. Mr Speaker, Sir, this is interesting. Since the data is anonymous, such data may be used for research, and this will eliminate the risks of fear of infringement on privacy, civil rights and civil liberties.

Mr Speaker, Sir, as mentioned earlier, this Bill does make provision for research, but does not say anything about the nature of such research. The Mauritian population is relatively small, and I do understand that it is important to study the incidence of the recurrence of tandem repeats in the DNA database for statistical reasons, and the research that is carried out in this particular field will allow us to establish the recurrence index.

However, Mr Speaker, Sir, I would suggest that while compiling the DNA data, to make sure that records are compiled under different headings, the convicted person's index, the unknown suspect's index, the acquitted suspect's database along with the unidentified and missing person's database. Mr Speaker, Sir, this will allow people to remain free of fears that their DNA will be made use of for other purposes as proposed by the Bill.

I have been stating earlier, Mr Speaker, Sir, that this Bill has indeed come up with several provisions to avoid problems which have cropped up in countries like UK, Canada and USA. Unlike these countries, we have included special clauses for the provision of revocation of consent and we have the possibility to apply to the court for immediate destruction of database. All these, Mr Speaker, Sir, are indeed safeguards.

The requirement of a court order to collect DNA samples is another case where we find that if consent is not given, it is not left to the police or law enforcement officers only to decide, but it can go to court and a court order is required in such cases.

We all believe, Mr Speaker, Sir, that there is an urgent need to build up the DNA data representative of the Mauritian population by ensuring that we have a system which, unlike other countries, is representative of our whole population. And the idea of having the volunteers to come up so as to ensure that we have a proper cross-section of the whole population is indeed a good one to avoid the ethnic problems that have arisen in UK and elsewhere.

Mr Speaker, Sir, as I said earlier, there is no need to convince anyone of the crucial importance of DNA technology in empowering law enforcement agencies in the detection and prevention of crimes, in the prosecution of offenders or the correction of miscarriage of justice in exonerating the innocent and providing better protection to the population. Yet, Mr Speaker, Sir, I would suggest, once again, that we should go quickly and ensure that protocols are established and that capacity building is carried out so that enforcement officers are properly trained. We all know that the Forensic Science Laboratory is doing a fantastic work, but there is a need to extend it. I have heard the hon. Member who spoke before me stating that we are not going to allow private firms to take over. I am not saying that we should allow private firms to take over, but, at least, there should be a possibility for people to get cross expertise made.

Mr Speaker, Sir, as hon. Jugnauth mentioned earlier, there is a need to quickly establish the protocols. And since protocols do exist elsewhere in the world, we need to go quickly about it and ensure that all officers involved in this DNA profiling technology do get the training required, so that they may carry out their duties effectively.

Mr Speaker, Sir, like in other parts of the world, I do believe that we are going to have initial teething problems, but this Bill is indeed a step in the right direction.

Thank you, Mr Speaker, Sir.

(6.05 p.m.)

**The Attorney General (Mr J. Valayden):** Mr Speaker, Sir, it is indeed with a sense of pleasure that we heard from the last orator that there will be a teething period and that she is agreeable with the main objects of the Bill. Maybe we don't agree on certain issues. For example, I don't agree that the figures on crimes have increased. We have explained it. There has been a Parliamentary Question and answers have been given. On another aspect, I believe it is inaccurate to say that police brutality, as a fact, is increasing instead of going down. In fact, this can easily be verified by reading the different newspapers. We no longer see the amount of police brutality catching the headlines of newspapers as before.

Before entering into the nettle of the case itself, I will talk very briefly about protocols and regulations. These are things that will have to be done. I am sure that the police, the State Law office and also the FSL will coordinate and will have it in the coming weeks after the coming into force of the Bill. It is inscribed in the Bill itself that it has to be done within a certain amount of time.

Mr Speaker, Sir, DNA is an area which raises a lot of passion and debate and, rightly so, because, in fact, we are relating not to fingerprints but to something which belongs to the person. This is why worldwide there has been a big, fierce and passionate debate. I, myself, Mr Speaker, Sir, have been involved in the case of Azie. I am taking the case of Azie as the backdrop before delivering my speech here just to say that, in that case, the FSL has been of great help. Was it not the help of the FSL, we would not have been able to exculpate a person who did not have any means. In fact, there was a confession in the case of Azie, in the rape of Dantier. Not only confession, the person went to the locus and showed to the police the different places where he had allegedly committed the act, and it is only with the use of the DNA that we have been able to exculpate Mr Azie. I have been involved in that and in other cases also. So, I feel really proud that the hon. Prime Minister is bringing a Bill that will help us to go further on the path of truth. We know that the road will not be rosy, that there will be teething periods, but we will have to bring the law, we will have to have the cadre which will also help us.

Before going further, I would also like to thank the Law Reform Commission, which has published a report, and which has been a sort of basis for everybody in the House. Everybody has been able to read it and look at the different fundamentals of what DNA can do, can't do and the limits to any law concerning DNA, mainly human rights.

However, when looking at this Bill, we have to bear in mind its purpose and its objectives. There has been some confusion. What this Bill is not about is the open type of research which a number of scientists, sometimes unscrupulous, are doing by pirating genetic materials from developing and least developing countries for their own benefit and for the benefit of multinational firms. We have seen it in many countries in Africa and in many articles also. This is what that Bill does not have as object.

This Bill, however, provides the framework in which crime detection agencies will be working when dealing with DNA material. This is very important given that, up to now, we do not have such a framework, and it is essential for the proper functioning of our justice system that we do have one. Quite clearly, in dealing with DNA and crime detection, a number of legal parameters have to be taken into account, namely the issues of privacy and dignity.

In dealing with these issues, we have to ask ourselves three questions –

- (a) Is DNA sampling authorised by law?
- (b) Is the law reasonable?
- (c) Is the manner in which samples are taken reasonable?

Quite clearly, with this Bill, we are answering the first question.

The importance of DNA as a forensic tool is not in question. The value of DNA sampling is constantly acknowledged in the United States, Europe, Australia, New Zealand, Canada, and one can refer to the case of Regina and Rogers, Supreme Court of Canada, 2006, because of its crucial assistance in -

- (a) detection arrest and conviction of offenders, and
- (b) early exclusion from investigations and exculpation of innocent persons.

Mr Speaker, Sir, the exclusion of innocent persons from enquiry as well as the exoneration of the wrongly convicted are unfortunately aspects which too often we tend to forget. Paragraph 1 of the Explanatory Memorandum and clause 3(1) of the Bill clearly states that a DNA sample can be collected from a person who is “Connected to or associated with an offence”.

It stands to reason that if the DNA evidence does not link that person with serious offence, he will at a very early stage be eliminated from the enquiring process. No miscarriage of justice! Similarly, DNA evidence can be used to reopen a case, where that evidence will tend to exculpate a convicted person. This will be a matter of new evidence, which can be adduced before our courts to have new trials in indicated cases. For the rationale, we take it here from the case of Mootoosamy before the Supreme Court.

Let us turn to the second question - the reasonableness of the law. The stated objectives of this law are multi-fold. This legislation aims to –

- (a) assist the identification of persons alleged to have committed serious offences as defined in the Act, and I will come to this aspect later;
- (b) deter potential re-offenders because we are establishing a database;
- (c) in the same vein, detect serial offenders;
- (d) streamlining investigations, by putting at the disposal of the investigation authorities a modern and effective investigative tool;
- (e) solving cold cases, and we have about four main cold cases in Mauritius that we refer very often, and
- (f) protecting the innocent by eliminating suspects and exonerating the wrongly convicted.

These are in addition to the set powers in civil cases of filiation and in cases of unidentified and missing persons. Some advance the figure of 300 persons the last three/five years, where people have been reported missing. Undeniably, the State’s interest in the collection of DNA is significant. Naturally, these very high stakes will have to be balanced with the rights, that is, privacy and dignity of the individual, and this is exactly what we have done in this Bill.

First, a DNA sample can be requested by an officer not below the rank of a Superintendent of Police; therefore, not any police officer.

Second, the Superintendent of Police must have reasonable grounds to believe that a person may be connected to or associated with a serious offence. Clearly, the police must conduct an inquiry, gather evidence and identify a suspect before the process can begin.

Third, it has to be the case of a serious offence, and this is defined in two folds -

- (a) (i) it has to be an offence which is punishable by a term of imprisonment or penal servitude, and
- (ii) therefore, this definition excludes minor offences, which are punishable by a fine or only a contravention; and alternatively - there is an alternative definition -
- (b) a prescribed offence which is punishable by imprisonment or penal servitude.

A quick survey of the stand taken by the different European countries will show that there are no set standards, and it is left for each country to determine in what type of offences DNA samples can be taken. This ranges from any recordable offence (any offence for which a person may receive a sentence of imprisonment plus some listed offences in the UK legislation which may include minor offences) and as far as the United Kingdom is concerned, the same situation applies in Slovenia and Austria; serious crime after a court decision in Norway, Denmark, Switzerland or specific enumerated offence; or upon the order of a Magistrate or Prosecutor as it is in the case of France. In this respect it is apposite to see what the European Court of Human Rights has to say, the more so that the fundamental rights which are to be found in Chapter II of our Constitution closely resemble those in the European Convention of Human Rights. I am here, Mr Speaker, Sir, making reference to the famous case of S. and Marper in the United Kingdom, judgement which was given by the Grand Chamber on 04 December 2008. In that case, the Canadian case of R v RC (Supreme Court of Canada) was also considered - very important case. In that case, the issue was whether a DNA sample and profile of an innocent person can be kept indefinitely on the National Database of UK, that is, where the case has been dismissed or prosecution dropped. It is worth noting that the House of Lords found nothing wrong in that aspect, and this was in line with the provision of the Human Rights Act (UK), but the European Court thought otherwise. This shows that the issues we are dealing with are highly complex and there are no simple answers.

In the case of S. and Marper, the European Court reviewed the legislation of the European countries. The court restated the principle of "legitimate aim" of the State at paragraph 101. It stated that a law must address a pressing social need - and that is what we are doing - and the response must be proportionate to the aim pursued. It further stated that it is for the national State to make that evaluation, and a margin of appreciation must be left to the national competent authorities in this assessment, and we can see it from paragraph 102.

The court found no issue on the aspect, that is, when a sample can be requested, but did state in no uncertain terms that some measures of safeguard have to be there.

It is, therefore, my contention that if we want to have an effective, efficient and modern way of combating crime, we should take this opportunity of giving the Commissioner of Police some measures of discretion which, in any case is, Mr Speaker, Sir, reviewable by the court. The safeguards in this framework are numerous and the seriousness of the offences will have to be

analysed with all the panoply of measures that are in this Bill. It is to be noted that our Criminal Code provides for three types of offences. We have crimes, misdemeanours and also contraventions.

Mr Speaker Sir, allow me to continue on the next requirement. The consent of the person has to be obtained undoubtedly here. The Mauritian jurisprudence has in the context of criminal trials laid down comprehensively the requirements of consent, and the suspect or accused to be informed of his or her rights. In a case of a minor or incapable, the written authorisation of the parent or guardian will have to be obtained. Clearly, this is in line with the prevailing legal requirements in our legal system, be it for the exercise of any civil rights or even for criminal case like taking a confession statement.

Mr Speaker, Sir, this added factor is required because we want to protect the minor or incapable person. Quite clearly, this way of proceeding has not met with any particular objection in the past. Nonetheless, once again, it is worth noting that in the eventuality there is an abuse, recourse to the courts is still available.

It is worth noting that, in some countries, additional provisions have been made as regards children. I have in mind here the Canadian, New South Wales (Australia) or New Zealand legislation, where sometimes approval from an independent authority is required. However, the situation and the legal provisions in those countries are completely different from ours. For example, in Canada there are enhanced constitutional privacy rights for minors, the Youth Offenders Acts, which do not exist in a number of countries such as the UK or France. So, having a comparative analysis of simply one aspect of the Bill will serve no useful purpose. Mr Speaker, Sir, as I have stated before, the whole mechanism, as set out in the Bill, will have to be viewed as against the mechanisms set out in those jurisdictions.

It is again my humble opinion that it will be intellectually dishonest to simply select part of this Bill and compare it with foreign legislation without acknowledging the differences between this Bill and the foreign legislation with which it is compared. Taking parts to compare with other parts will always finish by comparing an elephant with a mosquito. What is important is whether, on the whole, adequate provisions have been made to balance the rights of the individual and that of the general public in seeing that the objectives of the Bill are met. Undoubtedly, because we have done it comprehensively; this Bill provided for these guarantees.

Mr Speaker, Sir, this is not all. In addition to the above requirements, the officer requesting the sample has to carry out another exercise. He/she has to make a determination in accordance with clause 3(3) of the Bill, which is an assessment of the nature of the offence; degree of alleged involvement of the “suspect” and the existence of a less inclusive way of confirming or infirming the participation of that person in the commission of that offence. This implies that taking of a DNA sample is not an automatic feature, but it has to be done after due consideration by an officer of the rank of Superintendent and above, and with the consent of the person from whom the sample is being taken.

Mr Speaker, Sir, where a person refuses to provide a DNA sample, there is an elaborate procedure provided under clauses 6 and 7 of the Bill, whereby an order from the Judge in Chambers will have to be obtained. Here again, it is worth noting that, invariably, the police will have to seek legal assistance from the Solicitor-General, who will have to be satisfied of the propriety of entering the action before the Supreme Court. The affidavit will have to be vetted, and a State Attorney will have to lodge the case. Even then, the process is not over, as the Judge

will have to be convinced on the necessity of such an order. As clause 7(1) (a) & (c) provides, he/she retains the discretion to reject the application if the circumstances of the case do not warrant such an order and if he/she believes that the interest of justice so requires.

Mr Speaker, Sir, the fact that the application is *ex parte* does not give fewer guarantees to a person. As was stated in the Canadian case of *R v S.A.B* Supreme Court of Canada, 2003, I quote:

“But as with most investigative techniques, the *ex parte* nature of proceedings is constitutionally acceptable as a norm because of the risks that the suspect will take steps to frustrate the proper execution of the warrant”.

As regards a convicted person, the Commissioner of Police may require him/her to submit a DNA sample for specific purpose of forensic analysis. I shall refer to the Canadian jurisprudence, which has very stringent requirements of privacy, as we have seen in the case of *Rogers*, which I have already referred to above and which has been cited in the case of *Her Majesty the Queen v C. S*, a young person (Ontario Court, March 2009), the question of whether an offender has any reasonable expectation of privacy after conviction was considered.

Justice Charron concluded that, whilst a convicted person has some residual right of privacy, he, however, has lost any reasonable expectation of privacy in the identifying information derived from the DNA sample (the DNA profile). She opined that the convicted person has lost the expectation of retaining any degree of anonymity vis-à-vis law enforcement authorities after conviction and, thus, as a convicted offender, he has lost any reasonable expectation of privacy in respect of his identity.

Mr Speaker, Sir, it is apposite that we understand the difference between a DNA sample and a DNA profile. A sample, I believe, can be understood by making reference to the physical material that is collected from a person or from the crime scene. A DNA profile, as was stated in the case of *S. and Marper* at paragraph 65, from the explanations submitted by the UK Government, I quote:

“The profile was merely a sequence of numbers, which provided a means of identifying a person against a bodily tissue, containing no materially intrusive information about an individual or his personality. The DNA database was a collection of such profiles, which could be searched using materials from a crime scene, and a person will be identified only of and to the extent that a match was obtained against a sample.”

The court found that the DNA profiles in themselves contain limited amounts of personal information extracted from cellular samples in coded form, that is, at paragraph 74. Clause 9 of the Bill, Mr Speaker, Sir, provides that a sample has to be destroyed as soon as it has fulfilled the propose for which it was taken or at the closure of the proceedings, except in the case of a sample collected at the scene of crime, and that, for obvious reasons.

One exception, which figures in the Bill, is that a DNA sample may be retained for the purposes of research, which research has to have the approval of the Minister responsible for Home Affairs. It is to be noted that, in addition, the FSL has to develop guidelines and protocols for the preservation and storage of the DNA. It is further to be noted that any research will have to fall within the ambit of the Act, namely within the objectives set by this Act. Further, hon. Members will take note that clause 11 gives the Supreme Court a supervisory jurisdiction in that

it empowers the court to order the destruction of a sample or profile if it is being used illegally and for purpose not authorised by this Act.

As regards the DNA profile, which I have stated above, is only a series of numbers which, in my humble view, cannot interfere with the physical and psychological integrity of persons. It is to be noted that where a person has withdrawn his consent or has been acquitted by the court or prosecution terminated or dropped, the FSL has two years to delete that profile from its database. This, in my humble submission, is reasonable, and will definitely assist in the proper building of the database and, hence, moving into information-based crime detection whilst, at the same time, providing protection to the privacy issues that I have already referred to above. There are conflicting opinions on that length of two years, but I hope that the teething period will help us to overcome that obstacle.

Mr Speaker, Sir, it is apposite to refer to the case of *S. v Marper*, where the issue of indefinite retention of DNA profile of an innocent person was considered. Again here, the European Court found that there were no set standards in the European countries. The court sanctioned the UK for its indiscriminate and blanket powers of retention, but acknowledged the fact that there is a legitimate interest in keeping of DNA samples or profiles for a limited period of time, which should commensurate with the legitimate aim of the State to combat crime.

Mr Speaker, Sir, hon. Members will agree with me that it is beyond dispute that the fight against crime and particular organised crime and terrorism is one of the major challenges that the world is facing today. The success of this fight depends largely on the use of modern scientific techniques of investigation and identification. The European Union, as far back as June 1997, recommended that member countries establish compatible forensic DNA databases. This is consistent with preserving the individual country's security but, at the same time, recognising that a Pan-European database is an effective way to protect against cross-border crime. As at November 2007, it appears that some 186 Interpol member countries are presently exchanging information through a global DNA gateway that provides police worldwide the possibility to share DNA profiles, with a view to identify previously unknown suspects and connect criminals in different countries.

This Bill makes provision for cooperation, but with the added safeguard that it has to be with the approval of the Attorney General. It is to be noted that we have a well-structured and now amply tested procedure of the Mutual Assistance in Criminal and Related Matters Act, whereby the Attorney General is the Central Authority.

Mr Speaker, Sir, another fundamental point is the restricted circumstances in which information obtained from the forensic analysis of a DNA sample can be disclosed. Clause 13 of the Bill provides that the Director of FSL can only disclose the information to the police or the court in the course of a criminal investigation or proceedings to the person from whom the DNA sample was taken or to a judge upon a judge's order. In case of unlawful disclosure, that clause provides for criminal sanction. Mr Speaker, Sir, I believe with those few, but fundamental points, I have been able to address some points raised by hon. Members of this House that this Bill is a must, to ensure that our investigating authorities benefit from an effective and efficient crime fighting tool, and that we have provided sufficient safeguards in this legislation to protect the rights of the individual, taking into account the public interest in seeing that crimes are investigated in the most efficient and modern manner. I wish good luck to those that would have to apply the different contour of this Bill.

I thank you, Mr Speaker, Sir.

(6.31 p.m)

**Mr M. Dulloo (First Member for Grand' Baie & Poudre d'Or):** Mr Speaker, Sir, I would like to conclude on the side of the Opposition as far as the DNA Identification Bill is concerned. What is our position after listening to what Government has got to say? Unfortunately, from what we heard - the public declarations of the Prime Minister - we were thinking that there would have been certain amendments that could have been circulated for us to consider in the light of various comments and submission made, not only on this side of the House but in the public generally. Unfortunately it seems that I am the last orator this evening and the Prime Minister will be answering to us at the next sitting. Today, the 14 July, many of us would have wished to attend the French reception, a landmark in history. Somebody was talking about human rights. We know *liberté, égalité, fraternité*; 14 July is a real landmark in history.

Never mind, Mr Speaker, Sir, this Bill was circulated more than a month ago, and we immediately, on the Opposition side, through the Leader of the Opposition, made public our position, namely that we welcome this DNA Identification Bill, but we've expressed certain reserves on certain aspects of the Bill and made certain suggestions.

Again, in this House, we have taken the same stand, and three essential areas highlighted by this side of the House is that this Bill seems lopsided in the sense that it is more as a weapon to combat, to track down the criminal. I said that the Prime Minister himself, in fact, when introducing the Bill to the House, talked mostly about the enforcement side, about forensic evidence, about criminal evidence against possible culprits. We said lopsided, because it does not seem to take too much care of establishing the innocence of people and of freeing innocent people. Of course, we know that DNA profiling, DNA fingerprinting became popular with the people, especially because of the fact that, sometimes, around the world, long after conviction, the DNA profiling enabled us to establish the innocence of people already convicted. *Les erreurs judiciaires corrigées par la science.*

Second point, the keeping of records is also a very sensitive issue, the manner, the power given for keeping of records, the duration for the keeping of records. There again, we have not had a satisfactory reply, and we were thinking that perhaps this is one aspect on which Government would come with some amendments regarding this Bill.

Third, there are the tremendous powers being conferred, being given to the Forensic Science Laboratory. Mr Speaker, Sir, after the debates started in the House, there has been some awareness in the public, which is very good – awareness over the past fortnight. But we did not have the informed debate or response that we would have liked in the public because it is so technical, so complex, as the hon. Attorney General himself has said, while addressing us just now.

I, for my part, would intervene on this Bill with humility and diffidence. Humility, because I cannot claim to know so much on such a complex side of science which is evolving very fast, very fast indeed, as every day we are hearing new things. The other day, the Leader of the Opposition drew our attention to what was happening in the State of Missouri in the United States. How was it decided to get rid of all those records that have been accumulated? I myself tried to contact people, to discuss with them, had consultations with experts in the matter. This

would have required a lot of expertise, biochemical engineers, biomedical engineers, other type of scientists, enforcement officers, legal experts and all that, but unfortunately we do not have so much expertise around. So much so that, at the moment I am addressing the House, I have not had a lot of answers, a lot of solutions to many problems, many questions that are being raised by this Bill and that have been raised in the course of the debate.

In the light of the extensive powers being conferred, being given to the FSL, I have gone on the website of the FSL and, to my surprise, the page which is, of course, under the Prime Minister's office, is considered as a department - because we have heard that, since 2000, the FSL was removed under the Commissioner of Police - of the Prime Minister's Office. The Prime Minister is also the Minister of Interior in charge of defence and in charge of the police. The page of the FSL was last updated on 27 January 2006.

The hon. Prime Minister claims to be modern, to be up-to-date and to be modernising Mauritius, after Sir Seewoosagur Ramgoolam who was the father of the nation. But his website was last updated on 27 January 2006. But, in the meantime, there were questions in the House here, and various questions were asked about the FSL. I was on Government side when I was watching the efforts done by the Prime Minister. There were very genuine, very sincere efforts to modernise the police force, to modernise this aspect of criminal science, forensic science and all the *démarches*. I followed his reply in 2006 and thereafter about the FSL already conducting DNA testing, about 2,000 or more already in 2006, and that there is a growing need for a complete overhauling of the existent DNA profiling facility at the FSL. This was said in 2006 and I followed the efforts meeting people from Staffordshire University. We met those people, encouraging them, and we also identified the various sources that could be tapped, not only in terms of financial resources, be it the European Union, be it the United Nations, be it the United States and other friendly countries, but also to get technological and other scientific back-up to the existing facilities at the FSL. This was very good, and this is why we wanted to know what has been done, how this has been updated.

We will see once again that it is lopsided; the bias - and this is also the role of the FSL - is for crime detection. If you look at the various services that are being offered, everything is geared towards crime detection. The objective itself of the FSL is to assist the police, its primary customer, in the maintenance of law and order, and the courts of law in the administration of justice, that is, by supplying evidential matters before the courts. Therefore, the DNA Identification Bill should be larger in scope and not just limited to crime detection, to evidence to be brought to court. And it is also eloquent that, whilst introducing the Bill, for example, on the question of samples for filiation purposes - I think this is a particular section of the Bill - the Prime Minister had only one sentence to say. This is very important. How could you mix evidence in civil matters? I think one hon. Member on this side pointed this out. We should also ensure that there are facilities for counter evidence and counter expertise by the laymen, by the litigants before our courts of law. This is why, Mr Speaker, Sir, the emphasis on this side is that we should have taken a global approach to the question of DNA identification. Government should have conceived a global DNA profiling and uses of DNA sample and profiles project; a global project. Most of the countries, from which we have borrowed or which have inspired this Bill have a Human Genome Project. DNA forensics or DNA identification is but a part of this project. And this is what we should have done here in Mauritius. This is what we are suggesting. It is not too late, and Government should have a global approach to the whole question of DNA uses and DNA identification.

The Prime Minister has presented this Bill as a very important tool to further equip Government in its fight against crime and terrorism. We all support this, and he has stated that it will be a powerful means of identification of criminals and exonerating innocent people. We all support this, but then there are a lot of dangers in this Bill. The way this has been conceived, the institutions that we have in order to back up the efforts of Government, the efforts of enforcement officers, and also the efforts of other institutions that would have been involved in this matter. So, DNA uses for forensic identification could be for many purposes, Mr Speaker, Sir, such as identifying potential suspects, whose DNA may match evidence left at crime scenes, exonerating persons wrongly accused of crimes, identify crime and catastrophe victims. This is also very important. We had some catastrophes recently, such as aircraft disaster, etc, where this is very important. We should have this tool available. A few years back, there was an air crash just off the shore of Mauritius, where Mauritians also have lost their lives. There has been one close to Comoros. Establish paternity and other family relationships, - not only filiation purposes, as we have here - identify endangered and protected species as an aid to wildlife officials to be used for prosecuting poachers. I think the Leader of the Opposition pointed this out in the question of the elephants etc. This would be very important, because Mauritius has got a high profile as far as protection of the environment, *Maurice île durable*, endangered species rescued from the brink of disaster is concerned. And this could be a very important tool for the protection of environment and conservation of endangered species, animals, plants, etc; detect bacteria and other organisms that may pollute air, water, soil and food. We have to combat *Chikungunya*, Dengue fever, etc. So, forensic entomology is very important. Match organ donors with recipients and transplant programmes. We want Mauritius to become a centre, not only medical and tourism but also for other purposes, such as hi-tech medicine. This is also for matching organ donors. Determine pedigree for seed or livestock breeds and even where it could be dangerous for human beings also; authenticate consumables. We have problems of identifying the genuine from the fake, that is, food delicacies, wine and various other things that could be detected, what is being put on our market, whether fake things are not being dumped, question of copyright and intellectual property, especially as there have been cases of food poisoning. We are talking of dioxin; a politician was poisoned somewhere in Europe by dioxin. Now, we are talking about environment pollution by various uses of various materials for production of energy.

This is a global approach that should have been taken by Government. The FSL can play its role on all these aspects, but that won't be enough, that won't be adequate. But, then, we have not been informed of the various DNA technologies. This is something which is missing from the part of Government, as a matter of information, to inform us what type of DNA technologies that would be used in the forensic investigation. This is very important, not only on the question of information but also on the question of possibilities of investment; the private sector to come and invest in this area. We should be more ambitious than what we are doing; fighting crimes on our soil. I think it was hon. David who said that we want a protected society. No, we do not want a protected society; we want a free society. A free society means also to give necessary protection against crimes, against other misdemeanours. But, it is not only Mauritius, it is our region and, if we upgrade our facilities, if we are sure that we have got the proper legal framework and the proper institutions - not only the FSL - Mauritius can become also a regional centre for such thing. We are going to South Africa, we are going to various other places, but Mauritius can have special conditions, in order to service the region as far as DNA technologies are concerned. This is why I would not go on the technical aspect, but I think we should have

been given information as to the types of DNA technologies. I have with me the various types of technologies spelt out, but I would not take time on these issues here.

Mr Speaker, Sir, let me come to one of the main concerns, that is, the question of the keeping of DNA databases. I think many Members on this side have referred to various DNA forensic databases, to the United States, where they have their national databank, the CODIS, the Combined DNA Index System, which blends computer and DNA technologies into a tool for fighting violent crime. The various indexes that exist in the CODIS of the United States and the forensic index contain DNA profiles developed from crime scene evidence. There is a convicted offender index. There are various indices that are contained in this DNA. We have also referred to the difficulties that exist in the United States and also in UK, where they have the number of samples, stock piling over the years, and where they don't know what to do with these. We have, as a result of the USA Patriots Act of the United States after 9/11, the problem of more DNA samples and profiling being stocked. In the UK, for example, there has been reference to the Council of Human Rights on this famous case, where UK was asked to comply, but we have had the House of Lords' decision referred to by the hon. Attorney General, and we would not like Mauritius to find itself in the same situation. I think in UK there are other institutions. In UK, there is also the private sector; there are DNA identification services. For example, I have referred to the question of affiliation. In UK, there is the UK Paternity Testing Centre, which is very interesting, and if you go on the website you will see how all this operate. I think this Bill should have made advanced provisions for the possibilities of such development, especially one which would fall within the purview of a national database. The fact that now we are putting everything under the responsibility of the FSL, this raises all the questions, all the debates that we have referred to - ethical, legal and social concerns about the DNA. We can say a lot about this, Mr Speaker, Sir but, unfortunately, time would not warrant that I would take the time of the House.

There are other advantages and disadvantages of banking arrestee DNA. There, also, I would invite the Government side, the Attorney General's Office and the Prime Minister's Office to see how it has worked out in various countries and especially the fact that we have made provision here in this Bill that it is for the FSL to work out the protocol and procedures. This is very dangerous, and sometimes we don't know who is going to assume the power. For example, if you refer to the question of the scene of crime, clause 18 of the Bill, we are told that, I quote -

#### **'18. Regulations, protocols and guidelines**

- (1) The Minister may, after consultation with the FSL, make such regulations as he thinks fit for the purposes of this Act.'

The FSL has been upgraded to a higher status than constitutional offices, than the DPP. The Director of FSL is above the Commissioner of Police; other important constitutional office or heads of Government, like the DPP, the Director of Audit. The Minister will have to consult the FSL. Sometimes, we don't know who would be on top, the FSL or the Commissioner of Police. For example, regarding the regulations, the protocols and procedures, it is the FSL that would draw up the protocol. It is as if the FSL would be on top of the Commissioner of Police. Then, when we come to the scene of crime, it is different.

#### **'18. Regulations, protocols and guidelines**

(2) The Commissioner of Police, in consultation with the FSL shall, within 12 weeks of the coming into force of this Act, issue protocols and guidelines for scene of crime management, including the taking, storage and preservation of DNA samples collected on a scene of crime.'

The keeping of the database and everything have also been conferred upon the FSL. So, there is ambiguity here; there is confusion as who, at the end of the day, would have the last say. And this creates the ambiguity; that would create suspicion, fear in people that would like to come and operate in this area and invest in this area in Mauritius. Similarly, we have a lot of ambiguity in this Bill. This is why the suggestion that was made that this could perhaps be referred to a Select Committee was a proper one in the circumstances.

We acknowledge a lot of work has been done under the guidance and leadership of the Prime Minister when he wanted that this be done as quickly as possible. I have followed myself various workshops that were held. There have been very interesting proposals made: the differentiating of biological sample with digital profile has come out of one workshop, the power to take biological sample and also recommendations concerning private laboratories. There have been recommendations as far as training of all stakeholders is concerned. There is the danger of mishandling of DNA, tampering with DNA, the question of quality control, and we should have legislated all this right from the outset. True it is it has been stated that, after this Bill would be adopted, we are going to establish all the protocols, we are going to do this and that but, as far as we are concerned, as legislators, as Members of Parliament, it is a shot in the dark. We are giving wide powers to the FSL in order to legislate in a sense, by drawing up those protocols, those procedures on our behalf. Why is it that we have not followed those recommendations that many experts, local and international, have made to Government?

Members of the House have also spoken on the question of research, and I'll come to this in a moment when I'll address the various clauses of the Bill. I have to draw attention to what I consider humbly to be some loopholes in the legislation. But there has been a very important discussion group with international people and people from the State Law Office, from the Attorney General's Office concerning the legal framework, the structures, all the aspects that I have mentioned - ethical aspect, informed consent, patenting, privacy, confidentiality, sharing of benefits, individual and group involvements, etc. We have not heard anything from Government side on this aspect, and no legal provision has been made in the Bill either. There have been very important suggestions of establishment of a competent National Ethics Council to work in collaboration with the Mauritius Research Council. That also we have not heard from the Government side. We can go on like this. We can go on the various recommendations that have been made about the need to have supervision and control on the data that would be kept at the FSL.

There are also very pertinent questions that have been asked on the ethical issues on human genetic research and what precautions should be taken. Though mostly Government side has been speaking about the establishment of law and order and tracking down of criminals, this Bill can open up wide perspective in the use of DNA samples and DNA profiling. I have had some consultation. Some experts, scientists, microbiologists and even enforcement officers are of the view that the definition of DNA sample is a bit too restrictive in its definition. If I come to the Bill itself, in the Interpretation section regarding forensic analysis, there again – and this is very interesting - it says –

“forensic analysis’ means an analysis carried out by an FSL officer on a DNA sample to determine the inheritance characteristics of a person and any incidental test associated with the analysis;”

This is wide, not only just for the purpose of crime of scene or criminal evidence, but anything, inheritance characteristics of a person and any incidental test associated. So, this is the power that we are giving to the FSL. I am not coming here to make the various proposals at the end of the debate now. I suggest that Government looks into it again. In clause 3, Request for DNA sample, it is stated that –

“(1) A police officer not below the rank of Superintendent of Police may, where he has reasonable ground to believe that a person is or may be connected to or associated with a serious offence, request a DNA sample from that person for the purpose of forensic analysis.”

This is very wide indeed: ‘connected to or associated’. He is asked to give his consent, and it is so vague in its definition as to what sort of person can the police ask for consent and the category of persons requested. We see in clause 6 (c), where the Judge has got to decide, that he is not going to decide on whether the person is just connected to or associated with. He is going to decide on the question of involvement or participation of that person in the commission of the offence. So, the police can come and ask anybody: ‘Come, give your sample’. And the person would have to give his consent. If he refuses his consent, then when he goes to the Judge in Chambers, the latter has got very limited powers. The Judge in Chambers would have to determine under clause 6 of the Bill - Application to Judge in Chambers,

“(c) the circumstances surrounding the commission of the offence, including the degree of the alleged potential involvement or participation of that person of the commission of the offence and any other matter which the Police believes may be relevant.”

Therefore, the police should be empowered to ask for a sample where that person is connected to or associated with the commission of the offence. It is very important, therefore, that we look into those definitions again. If we had all the institutions I have stated, as compared to some European countries, to United States and so on, I would not have got any qualm because then what the FSL is doing would be supervised and controlled by other independent institutions.

The FSL’s primary objective - as we have seen in its mission, as posted on the website - is the detection of crime, enforcement of law and order and evidential matters to be put before the court. But here, it is completely different when the power is being given in this Bill.

When we look at clause 5, for example - Interference with sample, there again it is vague. It says –

“(1) Any person who, without lawful authority, interferes with, contaminates or destroys a DNA sample, including a biological sample or a reference sample, shall commit an offence”

Therefore, it means that a DNA sample is not necessarily kept in the FSL. So, this is too wide. We know where the DNA samples are kept. So, there should be interference with the DNA samples that are being kept or in the custody of the authority concerned, the FSL, the Commissioner of Police, the police, etc. But, this is so vague. Any laboratory of Mauritius that has got a DNA sample; is this what the law intends to do? We go to a private laboratory, we give

a DNA sample, and this is being regulated. So, it is not clear. Nobody from Government side has commented on this aspect. So, we have to surmise.

If we come to clause 9 - Taking, storage, preservation and destruction of DNA sample, again, we see that tremendous powers are being given. In clause 9 it is stated that-

- “(1) Every DNA sample shall be taken by a qualified person and stored and preserved in accordance with such procedure and guidelines as may be laid down by the FSL.”

Not by the Minister, but by the FSL. Again, this is dangerous. In sub-clause 2, it is stated that –

“(...) a DNA sample shall be destroyed by the FSL as soon as it has fulfilled the purpose for which it was taken or after the final disposal of any proceedings in relation to which the sample was taken, whichever occurs later.”

There, again, it would be at the discretion of the FSL. I would come later to the other aspects of keeping of DNA. When we go to clause 9 (3) (a), it says –

- “(a) Subject to paragraph (b), a DNA sample may be kept for such reasonable time as may be appropriate for the purpose of research or the constitution of its DNA Data Records or DNA Population Statistical Database.”

So, as far as the DNA samples for criminal evidence are concerned, we are now giving the FSL the power to determine the sort of research of DNA Data Record and this, of course, with the approval of the Minister. But this is even more important, because the DNA Data Record could be restrictivem, in the sense that those samples have been given in connection with suspected person or person involved.

Regarding DNA Population Statistical Database, this is where everybody has got a lot of reserves and in this legislation, unfortunately, Mr Speaker, Sir, criminal lawyers would have *à boire et à manger*. It would be a feast for criminal lawyers and also for civil rights lawyers. This will lead to a lot of litigation about the rights of the citizens and even about the rights of the accused. In clause 9 (4) it is stated –

“A Court may, where it is satisfied that a DNA sample may reasonably be required in an investigation or a prosecution of a person for an offence, order that the DNA sample shall not be destroyed during such period as the Court considers appropriate.”

Good enough! But then, the decision to keep the DNA Data Records, as described in clause 10 rests with the FSL.

- “(1) The Director shall keep DNA Data Records consisting of an index of DNA Profiles derived from DNA samples submitted to the FSL for forensic analysis and ensure that those data are securely stored and remain confidential.”

They would be in charge of the keeping, but this would include also filiation cases that would be kept at the FSL. We have, therefore, the Data Records under sections 3, 4, 6, 7 - all these are for serious offences - and then other records for civil matters kept by the FSL. When you go to the next clause, there is a sharp contradiction. Clause 10 (2) says –

“Where a person –

- (a) is convicted of an offence following proceedings in which his DNA sample has been adduced in evidence;”

There, again, it should be of ‘a serious offence’. I think, perhaps, there is a mistake in drafting “is convicted of an offence”; it should be ‘a serious offence following proceedings in which his DNA sample has been adduced in evidence’.

Then, clause 10 (2) says –

“the DNA data derived from the forensic analysis of his DNA sample may be kept as part of the DNA Data Records.”

So, where the DNA sample has been adduced in evidence, then it can be kept. But what if the DNA sample has been obtained and the person pleads guilty? There is no need to use that DNA evidence. Therefore, can’t that DNA evidence be kept because the person has pleaded guilty? If you read the various clauses together, it seems there is loophole, where a person gives a DNA sample, he goes to court and pleads guilty. Therefore, if he has given his consent, he says he withdraws his consent, though he has been convicted. Now, you have to go by clause 10, that is, you have to destroy within such period.

I will, therefore, invite the Government side to look at this clause again and whether, though the DNA has not been used as evidence, the DNA sample cannot be kept, because once people pleaded guilty, they are convicted. Similarly, we see the same difficulties with clause 10 (3) –

“Where a person who is not convicted for an offence does not give his written consent (...)”

If he has been previously convicted and since then he has committed an offence, there again the timing is not clear. When would the law come into operation so that he is bound to give his sample and the sample would have to be kept on the record? We have seen that, where a person does not give his consent, his profile could be kept for 10 years unless he applies for it to be destroyed. But then, when you read clause 10 (5), there, again, there seems to be a loophole. Here, I address the House with some diffidence, but my attention has been drawn to this because clause 10 (5) says –

“Where a person has consented to give his DNA sample under this Act, that consent may be revoked by giving written notice to the Director and the Director shall cause the DNA sample to be destroyed and the resulting profile to be erased from the DNA Data Records within a period of 2 years (...)”

The question that we have asked is that if the DNA sample is to be destroyed and the DNA profile erased within two years of revocation of consent, what happens in the case where a person is convicted? As I have said, the DNA has not been adduced in evidence and in filiation cases. What if they have consented, they have been convicted and now they want to withdraw their consent? There again, there seems to be a loophole.

Under clause 11 - Destruction of DNA sample and erasure of DNA profile, there again, it is not clear –

“Notwithstanding any provision of this Act, the Supreme Court may order the destruction of a DNA sample (...)”

We go to which jurisdiction of the Supreme Court? Is it the Judge in Chambers, or we go by Plaintiff with Summons, or we make an application? This is not clear. We should have specified the procedure. We just say: "the Supreme Court may order the destruction of a DNA sample". What would be the procedure to be adopted? Is it by application, by a writ, by Plaintiff with Summons or apply to the Judge in Chambers? There is the question also of the burden that is placed on the citizen. It is said at clause 11 -

"(...) that the sample or profile is being used illegally or for purposes not authorised under this Act."

It is for the citizen. How can the citizen obtain evidence? It is a very heavy burden that is put on the citizen. The authorities can intervene on behalf of the citizen to protect them. The Attorney General is supposed, in many matters, to intervene on behalf of the citizen.

Mr Speaker, Sir, we suggest to Government that it is very dangerous, when we come to clause 12, to have the DNA population statistical database under the control and supervision of the FSL. It is as if the FSL is almost judge and party in this matter. On the question of protection of information, the same problem arises. Even those who volunteered for some purpose, have given their samples, can have their privacy invaded, undermined.

Concerning the unidentified and missing persons database, this is a good thing. I think hon. Members on this side has pointed this out. But when we read clause 14, there seems to be some confusion again. Clause 14 (2) says -

"The Missing Persons Database shall comprise of DNA profiles and information relating thereto (...)"

There again, probably we mean the unidentified and missing persons database. That also should be made accessible to foreign countries on demand. This is reiterated, as if this Bill wants, by all means, to make sure that nobody escapes the control of the FSL. Clause 14 (3) says -

"The Director shall develop standards and established guidelines for the preservation and storage of DNA samples obtained under this section."

Again, everything is the FSL.

Under clause 15(1) Cooperation with foreign law enforcement agencies, we refer to the various databases, the DNA data records, but we don't refer to the unidentified and missing persons database. I think there should be one essential database to be inserted, in cooperation with foreign law enforcement agencies. We talk of DNA data records and DNA profiles etc., but we don't include the unidentified and missing persons database, where a foreign country has to trace one of their citizens that has disappeared.

Mr Speaker, Sir, there is a lot to say on this DNA Identification Bill. It is a good thing that Government has come forward with this Bill after some groundwork has been done, but there is much more to be done. There are the various dangers that we have highlighted, though Government would take it with the spirit that it should in a Parliamentary democracy. This is why I would not follow the tone and the political attitude taken by hon. Minister David when he talked about liberty and trying to say that we have asked for one week's time for no purpose. I think it has served its purpose. I think now the people of Mauritius are better informed about this new technology, about this sector of law and order enforcement in Mauritius. But, what is more important, is that we should be very careful that there is no misuse of DNA samples and DNA

profiles and that we should come, as I have said, with this global project, where we are ready to give our inputs and ensure that our society is better, free and more secure.

Thank you, Mr Speaker, Sir.

**The Deputy Prime Minister:** Sir, I beg to move that the debate be now adjourned.

**Dr. Kasenally rose and seconded.**

*Question put and agreed to.*

*Debate adjourned accordingly.*

**The Attorney General (Mr J. Valayden):** Mr Speaker, Sir, I do not propose to proceed with the Second Reading of the Notaries (Amendment) Bill (No. XIII of 2009) today.

**The Deputy Prime Minister:** Mr Speaker, Sir, I do not propose to proceed with the Second Reading of the Mauritius Land Transport Authority Bill (No. XIV of 2009) today.

#### **ADJOURNMENT**

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 21 July at 11.30 a.m.

**Dr. Kasenally rose and seconded.**

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

#### **MATTERS RAISED ON ADJOURNMENT**

(7.20 p.m.)

#### **PLAINE MAGNIEN – PLANTERS – WATER PROBLEMS**

**Mr Y. Varma (First Member for Mahebourg & Plaine Magnien):** I thank you, Mr Speaker, Sir, for having allowed me to raise a problem pertaining to my constituency. It actually concerns around 50 planters of Plaine Magnien. Their land is situated adjacent to the Sir Seewoosagur Ramgoolam International Airport.

Mr Speaker, Sir, they have been facing water problems since around two months. Being given that this is their only source of income, they are in great difficulties to meet both ends and to feed their families. I would request the hon. Minister of Agro Industry and Dr. the hon. Minister for Public Utilities to see to it that this problem is solved as soon as possible.

Thank you.

**Mr Faugoo:** We will look into the matter, Mr Speaker, Sir.

#### **BAMBOUS A & BAMBOUS B GOVERNMENT SCHOOLS - COMPLAINTS**

**Mrs S. Hanoomanjee (Second Member for Savanne & Black River):** Mr Speaker, Sir, I wish to raise an issue, which concerns the Minister of Education regarding Bambous A and Bambous B Government School. I am sure the Minister must have received a letter of complaint from the PTA of Bamboo A Government School concerning several problems, first of which is the frequent absences of teachers - about four of them who are following courses and others take frequent sick leave. Secondly, there is no floating teacher to replace those absentees and, thirdly,

an excessive number of pupils per class, that is, an average number of 45 pupils in one class instead of the normal number of 30.

Moreover, Bambous B Government School has already exceeded its capacity, and there are additional pupils being admitted almost every day from La Vallette, and those who move from La Vallette. I think it is now compulsory for the construction of a third phase of Bambous B Government School. It has been rumoured - and parents are very anxious – that, very soon, with the delay in the construction of the third phase of Bambous B Government School, the children will have to move to La Gaulette Government School. I don't know whether this is true or not, but parents are very anxious about this. I would request the Minister of Education to please see whether the situation can improve at Bambous A Government School and to have the construction of the third phase of Bambous B Government School.

**Dr. Bunwaree:** Mr Speaker, Sir, we are well aware of the problem. In fact, the hon. Member talked to me and, at the level of the Ministry, we are having some *réaménagement*. But I will look into it and make sure that there is no undue problem caused on the parents or on their children.

#### **RAM RUHEE STADIUM – LIGHTING FACILITIES**

**Mr M. Dowarkasing (Third Member for Curepipe & Midlands):** Mr Speaker, Sir, the issue I want to raise is addressed to the hon. Minister of Youth & Sports. Presently, civil works are being carried out at the Ram Ruhee stadium for the installation of lighting facilities.

Recognising the fact that this project is a very valuable one, however, there are some concerns expressed by football players in the way this project is going ahead. The main contention is the location of the four main poles on which the lighting will be fixed. Firstly, they are being placed at the four corners of the field, contrary to international standards, whereby poles are placed in the middle of each half of the field. Secondly, the distance between the pole and delimitation of the football pitch is around three meters, whereas in all international playgrounds recognised by FIFA it is around ten metres away. So, Mr Speaker, Sir, are we complying to FIFA norms? If not, are we not jeopardising the use of this historic stadium for international games? Players who have contacted me have also expressed their concern on the security aspect, due to the fact that these poles are too close to the delimitations of the field. I want to draw the attention of the hon. Minister on these issues and hope that if the work that is being carried out is not according to norms, he could make the necessary rectification.

I thank you.

**The Minister of Youth & Sports (Mr S. Ritoo):** I thank the hon. Member for raising this point. In fact, the plan and design were carried out by the ESD, in consultation with the Mauritius Football Association and the MPI, but I will see to it how much dangerous it is for the players, and circulate the information later.

*At 7.25 p.m., the Assembly was, on its rising, adjourned to Tuesday 21 July at 11.30 a.m.*

#### **WRITTEN ANSWERS TO QUESTIONS**

##### **STC – PETROLEUM PRODUCTS – HEDGING TRANSACTIONS**

**(No. B/805) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Business, Enterprise & Cooperatives whether, in regard to the State Trading Corporation, he will state if Government proposes to take any action against the General

Manager thereof, following the losses incurred on the hedging transactions on the purchase of petroleum products.

*(Withdrawn)*

**PRESIDENT & PRIME MINISTER, REPUBLIC OF FRANCE – VISIT TO MAURITIUS  
-- OFFICIAL INVITATION**

**(No. B/810) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether he will state if official invitations have been extended to the President and the Prime Minister of the Republic of France to visit Mauritius.

**Reply:** At the EU-Africa Summit held in Lisbon in December 2007, I met President Sarkozy and invited him to be our Chief Guest on the occasion of the celebrations marking the 40<sup>th</sup> Anniversary of our Independence in March 2008. This was followed by an official invitation which I extended to him later.

However, President Sarkozy wrote back to me, expressing his regret for not being able to accept the invitation, much as he would have wished to. Nevertheless, in view of the excellent relations between our two countries, he deputed Mr Axel Poniatowski, President of the *“Commission des Affaires Étrangères de l’Assemblée Nationale”* to represent him at the celebrations.

In June 2008, during my official visit to France, I invited President Sarkozy to attend the commemoration ceremony of the Bicentenary of the Battle of Vieux Grand Port in 2010. Subsequently, on 03 July 2008, I reiterated my invitation in writing to him to visit Mauritius on a date convenient to him.

As for the French Prime Minister, an official invitation is a matter of bilateral relations for the two States to decide.

**DRUG ASSETS - FORFEITURE**

**(No. B/811) Mr J. C. Barbier (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to drugs, he will, for the benefit of the House, obtain from the Office of the Drug Commissioner, information as to the number of cases –

- (a) dealt with by the Office, since July 2005 to date, and
- (b) in which freezing orders of assets were recommended and obtained, indicating the value of the assets frozen, if any.

**Reply:** I am informed by the Commissioner, Drug Assets Forfeiture that on his appointment in December 2005, he had to deal with a backlog of 530 cases which he was able to clear by November 2008. For period December 2005 to 09 July 2009, he has dealt with 930 cases for the forfeiture of drug assets.

As regards part (b) of the question, I would like, in the first instance, to dispel any confusion that might exist regarding freezing of assets as compared to forfeiture of assets.

Section 45 of the Dangerous Drugs Act provides that when a person appears before a court on a drug dealing or money laundering charge, the court shall order the freezing of his assets and, if he is convicted, the Director of Public Prosecutions shall refer the matter to the Commissioner, Drug Assets Forfeiture for enquiry. On completion of the enquiry, the

Commissioner forwards his report to the DPP with his recommendations either for revocation of the freezing order or for forfeiture of assets. The DPP then decides whether an application should be made to the Supreme Court for an order to forfeit the assets of the convicted person or of his family.

If the hon. Member is referring to the number of cases where the forfeiture of assets was recommended to the DPP by the Commissioner, I am informed by the latter that out of the 930 cases inquired into, recommendation for forfeiture was made in 18 cases.

I wish to point out here that under the present legislation, the Commissioner has access only to bank accounts of traffickers and this limits the scope of investigations carried out by the Drug Assets Forfeiture Office. The Banking Act is, therefore, being amended to allow the Commissioner to have access to deposits of traffickers in non-bank deposit taking financial institutions also. This will facilitate enquiry by the Commissioner into the assets of drugs traffickers.

Forfeiture was obtained in one case in July 2008 where a sum of Rs112,500.97 was forfeited.

#### **DETAINEES & PRISONERS – EVASION - JULY 2005 TO MAY 2009**

**(No. B/812) Mr M. Allet (Second Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to detainees and prisoners, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof having escaped, since July 2005 to May 2009, indicating -

- (a) if inquiries have been carried out thereinto and the outcome thereof, and
- (b) the measures taken to prevent evasion therefrom.

**Reply:** I am informed by the Commissioner of Police and the Commissioner of Prisons that since July 2005 to May 2009, the number of escapes is as follows -

	<u>NO. OF DETAINEES</u>	<u>NO. OF PRISONERS</u>
July - December 2005	12	16
Year 2006	14	5
Year 2007	15	6
Year 2008	15	10
January - May 2009	5	Nil

I am also informed that all the detainees and prisoners concerned have already been recaptured and sanctioned.

As regard part (b) of the question, measures taken to prevent such recurrence, amongst others, are -

- detainees in police cells and the three Detention Centres at Moka Police Station, Vacoas police compound and Line Barracks are under the charge of armed police sentry; the Detention Centres are all provided with 24 hours camera surveillance.
- the Emergency Response Service and Divisional Support Unit personnel provide mobile patrols in the vicinity of police cells and detention centres;
- detainees are handcuffed when escorted by the police to court or to attend treatment at hospital;
- reinforced escorts/sentries are provided over detainees during escort or when admitted in hospital;
- the physical infrastructure at prison premises have been strengthened and escort parties are better organised, and
- a dynamic security unit has been set up at the prison department.

In fact, statistics provide evidence of a reverse trend in the number of cases of escape of detainees as well as prisoners.

#### **BOI/ECONOMIC DEVELOPMENT BOARD OF MADAGASCAR - MoU**

**(No. B/831) Mrs S. Hanoomanjee (Second Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether he will, for the benefit of the House, obtain from the Board of Investment, information as to if a Memorandum of Understanding has been signed with the Economic Development Board of Madagascar and, if so, will he state when, indicating where matters stand as to the implementation thereof.

**Reply:** The Board of Investment has in fact signed a Memorandum of Understanding with the Economic Development Board of Madagascar on 14 June 2008.

In accordance with the provisions of the Memorandum of Understanding, three delegations from the Economic Development Board of Madagascar have already visited the BOI in respect of capacity building.

On the other hand, BOI participated in the Partners Round Table in Madagascar in June 2008 for launching the Madagascar Action Plan 2007-2012.

The House may also wish to note that the implementation of the MoU is based on a mutually agreed 18-month Action Plan.

#### **LAVIMS PROJECT - CONTRACT**

**(No. B/832) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Minister of Housing & Lands whether, in regard to the LAVIMS project, he will state –

- (a) when the contract in relation thereto was awarded;

- (b) the final contract value ;
- (c) the duration of the contract ;
- (d) the end product of the contract, and
- (e) the number of foreign and Mauritian nationals involved in the implementation thereof.

*(Withdrawn)*

### **MAURITIUS DUTY FREE ISLAND PROJECT**

**(No. B/833) Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the Mauritius Duty Free Island project announced in the 2007-2008 Budget Speech, he will state the measures taken as at to date for the implementation thereof.

**Reply:** Government's intention to pursue the customs tariff liberalisation process was announced in the first Budget of this Government, i.e., in the 2006-07 Budget Speech and not in the 2007-08 one. It was part of the economic policy reform package adopted to secure the transition from trade preferences to global competition, that hinges on restructuring of the economy, investment facilitation, ease of doing business, economic opening up, tax reform, fiscal consolidation and discipline, labour market reform and broadening the circle of opportunities.

As such, in the 2006-2007 Budget, custom duties were reduced significantly or abolished on some 60 per cent of tariff lines (3,746 tariff lines). As a result of the tariff cuts -

- The top *ad valorem* tariff was brought down from 65% to 30%;
- The tariff bands and structure were simplified with only 3 non-zero tariff bands (10,15 and 30%) compared to 7 previously;
- The number of tariff lines with zero duty increased from 74% in September 2005 to 79%, and
- The unweighted average nominal rate was brought down from 9.5% to 5.5%

Such significant tariff cuts were in consonance with our policy to move to a low tax platform, increase the purchasing power of consumers, eliminate the need for exemptions, create a more competitive and efficient environment for domestic manufacture and move faster towards a Duty Free Island.

The customs tariff reform process was slowed in the 2007-08 Budget so as to give more time to local manufacturers to adjust.

In the 2008-2009 Budget, customs duty on 967 tariff lines were cut, raising the percentage of tariff lines with zero duty from 80% to 87% and lowering the percentage of tariff lines at the top rate of 30% from 7% to 1%. The reform focused mainly on goods which were not locally produced and kept tariff protection on a list of sensitive products.

In the "Additional Stimulus Package" introduced in December 2008 to assist the economy and our enterprises face the impact of the global economic crisis, Government took the decision to freeze its plan to make of Mauritius a Duty-Free island until end 2010. Accordingly,

in the last Budget presented last May, no customs duty cut measure was taken, so as to give further breathing space to local industry, especially SMEs.

#### **SECOND CHANCE PROGRAMME - IMPLEMENTATION**

**(No. B/834) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Education, Culture & Human Resources whether, in regard to the Second Chance Programme announced in the 2008-2009 Budget Speech, he will state if it has been implemented and, if so, indicate –

- (a) since when;
- (b) the number of trainees involved, and
- (c) the outline of the proposed programme.

**Reply:** The Second Chance Programme is operated under the Human Resource, Knowledge and Arts Development Fund as announced in the 2008-2009 Budget Speech. The programme is being implemented by the Industrial and Vocational Training Board (IVTB) and has started since 04 May 2009. The training programme is of 300 hours duration and is being held at the rate of three days per week in eight regional training centres and State Secondary Schools. It is due to be completed by 21 December 2009.

220 participants have been enrolled for the training programme in Mauritius. I wish to inform the House that the training programme will also be conducted in Rodrigues and is expected to start on 27 July with 75 trainees.

The Second Chance programme aims to provide basic numeracy and literacy skills and life skills management to young people, within the age bracket of 16 to 21 who have dropped out of the school system and are neither in full time education nor in fulltime employment. It consists of three modules, namely -

- (i) Life Skills Management of 50 hours duration;
- (ii) Basic Literacy & Numeracy of 125 hours duration, and
- (iii) Advance Literacy & Numeracy of 125 hours duration.

Psychological support by psychologists from the IVTB is also provided to those trainees having personal or family problems.

#### **RODRIGUES - HOTEL CONSTRUCTION**

**(No. B/835) Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to hotel construction projects in Rodrigues, he will state the number thereof, since August 2006 to date, indicating -

- (a) those which are -
  - (i) in the pipeline, and
  - (ii) completed
- (b) the names of the promoters;
- (c) the location and area of land requested for, and used

(d) the terms and conditions of the leases, indicating the annual rental payable.

**Reply:** I wish to inform the House that the information is being compiled and will be tabled in due course.

#### **MINISTRY OF FINANCE – STAFF - BUDGET ALLOWANCE**

**(No. B/836) Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the preparation of the 2006-2007, 2007-2008, 2008-2009 and July-December 2009 Budgets, he will state the amount of money paid out to the officers of his Ministry, in terms of extra allowances, indicating the names of the officers who have been paid same and the amount paid.

**Reply:** The payment of allowances to the senior staff of the Ministry of Finance, not eligible for overtime, has been in practice since the 1990s. The payments were effected following representations made by these officers for working very long hours over a sustained period to undertake tasks for the timely production of the Budget.

In fact, every Minister of Finance recognises the time it takes to formulate the Budget and the pressure which arises as the Budget day approaches. Needless to say that the last weeks are extremely strenuous and critical, as Budget related tasks cannot be postponed.

Indeed, the PRB Report recognises the need for compensating additional efforts and, in its 2008 Report, the PRB notes that every year, during the pre Budget and Budget period, senior officers of the Ministry who have to put in extra efforts on a sustained basis and provide quality output for the Budget are eligible for an allowance. That, accordingly, there is a case for compensating those senior officers who undertake special assignment, which meet the criterion of increased duties and responsibilities and which result in disruption in family and social life.

To compensate such officers, the PRB has recommended that they be paid an extra/special duty allowance based on both effort and time.

It also comments that as part of the move to recognize performance and in the spirit of transparency and fairness, the Ministry of Finance has adopted a rational and scientific approach based on a two-step methodology in respect of payment of Budget allowance based on time and quality of work

The quantum of compensation paid to senior officers has varied depending on their respective inputs in terms of time and quality of output.

I consider that it would not be appropriate to disclose the names of the officers who have been remunerated for their additional efforts. However, I wish to inform the House that the allowances in respect of Budget preparation for the financial year 2006-2007 was Rs943,000; for 2007-2008, it amounted to Rs951,000, and it stood at Rs1,395,000 for the year 2008-2009. The allowances for the last Budget exercise have not yet been finalised.

The House may also wish to note that the Financial Secretary is not paid any Budget allowance.

#### **RODRIGUES - STATE LAND - ALLOCATION**

**(No. B/837) Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the allocation of State land in Rodrigues, since August 2005 to date, he will state the number of –

- (a) letters of –
  - (i) reservation sent, and
  - (ii) intent given, and
- (b) leases approved, indicating in each case the –
  - (i) names of the promoters;
  - (ii) location and the extent of the land;
  - (iii) purpose of the lease, and
  - (iv) annual rental value payable.

**Reply:** I wish to inform the House that the information is being compiled and will be tabled in due course.

#### **RODRIGUES - MAURITIAN EDUCATORS**

**(No. B/838) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Education, Culture & Human Resources whether, in regard to the negotiations held with the Rodrigues Regional Assembly in relation to the Mauritian Educators working in Rodrigues, he will state the outcome thereof.

*(Withdrawn)*

#### **RIVER BANKS – WALLS - CONSTRUCTION**

**(No. B/839) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Agro Industry, Food Production & Security whether, in regard to the illegal construction of walls on the river banks by individuals or companies, since July 2005 to date, he will, for the benefit of the House, obtain from the Conservator of Forests, information as to if complaints in relation thereto have been received at the Forestry Department and, if so, the number thereof.

*(Withdrawn)*

#### **MEDICAL COLLEGES - GOVERNMENT GUARANTEED LOAN SCHEME**

**(No. B/840) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Education, Culture & Human Resources whether, in regard to the students, he will, for the benefit of the House, obtain from the Tertiary Education Commission, information as to if the Government Guaranteed Loan Scheme for students opting for tertiary education in Mauritius also applies to those seeking admission in the Medical Colleges operating in Mauritius.

*(Withdrawn)*

#### **PROFESSOR BASDEO BISSOONDOYAL SECONDARY SCHOOL - SC & HSC - PASS RATE**

**(No. B/841) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Education, Culture & Human Resource whether, in regard to the Professor Basdeo Bissoondoyal Secondary School, he will state the pass rate at the School Certificate and

the Higher School Certificate examinations since the year 2000 to 2008, indicating how these results compare with the results obtained in the other institutions of the locality.

**Reply:** I am tabling the information relating to the pass rate at School Certificate and Higher School Certificate examinations for the years 2000 to 2008 in respect of Professor Basdeo Bissoondoyal Secondary School as well as for the other secondary schools of the locality.

The pass rate at School Certificate level for this school is in the range of about 83% to 97% during that period. As for performance at Higher School Certificate for girls, the same corresponding period, it turns around 86.5%, reaching 100% for girls even once in 2008.

As Members will take note, the results and performance of students of Professor Basdeo Bissoondoyal Secondary School compare favourably with and even better in some cases with those of private secondary institutions in the vicinity. In addition, the results are of comparable level to those of State Secondary Schools in the region.

#### **AIRPORT CITY PROJECT - PLAINE MAGNIEN**

**(No. B/842) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the proposed Airport City Project in Plaine Magnien, he will, for the benefit of the House, obtain from the Board of Investment, information as to where matters stand.

**Reply:** I am informed that the project promoters have had preliminary discussions with the Board of Investment regarding the proposed Airport City Project.

While the project is still at the concept stage and no substantive proposal has been yet received by the BOI, I am given to understand that it relates to the setting up of an integrated leisure park to be developed over 50 acres of land in the airport vicinity, comprising shopping facilities, hotels, a sports complex and other commercial and entertainment attractions.

#### **SSR INTERNATIONAL AIRPORT/PLAINE MAGNIEN ROUNDABOUT – ROAD EMBELLISHMENT**

**(No. B/843) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Environment & National Development Unit whether, in regard to the embellishment of the road running between the Plaine Magnien round about to the Sir Seewoosagur Ramgoolam International Airport, he will state where matters stand.

**Reply:** I would also like to inform the hon. Member that the Airports of Mauritius (AML) Co. Ltd. carried out a first tender exercise in July 2008. No award was made, as the three bids received in August 2008 were all non-responsive. Furthermore, another tender exercise carried out in October 2008 by AML was unsuccessful, as the only bid received in December 2008 was well above the estimated cost.

My Ministry has now taken over the implementation of the project. We are presently reviewing bidding documents and, hopefully, tenders will be launched by the end of this month.

#### **UNIVERSITY OF MAURITIUS – ENROLMENT**

**(No. B/844) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Education, Culture & Human Resources whether, in regard to the

forthcoming academic year intake at the University of Mauritius, he will, for the benefit of the House, obtain from the University, information as to the number of students who have -

- (a) applied for seats thereat;
- (b) been selected, and
- (c) been enrolled, indicating in each case, the respective programmes.

*(Withdrawn)*

### **STC - PETROLEUM PRODUCTS – PRICE INCREASE**

**(No. B/845) Mr G. Gunness (Third Member for Montagne Blanche & GRSE)** asked the Minister of Business, Enterprise & Cooperatives whether, in regard to the increase in the price of petroleum products on 03 July 2009, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the –

- (a) different components used in calculating the basic value of Mogas and Gas Oil, and
- (b) amount of hedging losses, as at 03 July 2009.

**Reply:** I would like to inform the House that on the Motion of Disallowance debated on Tuesday 23 June 2009, the increase in the retail prices of Mogas and Gas Oil in June 2009 APM exercises were explained in details.

The components used to calculate the retail prices of Mogas and Gas Oil were fully explained and the price structures of Mogas and Gas Oil were tabled on that day.

In view of the PQ from the hon. Member, I want to clarify once again the different components used in the basic value per litre of Mogas (MUR 33.2873) and Gas Oil (MUR 27.1919).

#### **1. C.I.F**

The CIF is the Platt's Price plus premium, and the premium includes supplier's margin, freight and insurance.

The CIF price of Mogas in July 2009 APM exercise was MUR 19.3627/Litre using an exchange rate of MUR34.75/USD as compared to MUR 16.9592 using an exchange rate of MUR34.40/USD in June 2009 APM exercise. This represents an increase of 14.17%.

In June 2009 APM exercise, the average Brent Price was USD 57.48/BBL (May 2009) whilst in July 2009 APM exercise, it was USD 68.55/BBL (June 2009), that is, an increase of 19.26%.

The average Platts price of Mogas in May 2009 per ton was USD 586.01 compared to USD 672.65 in June 2009 that is an increase of 14.78%.

The CIF price of Gas Oil in July 2009 APM exercise was MUR17.6565/Litre using an exchange rate of MUR34.75/USD as compared to MUR 15.0122/Litre using an exchange rate of MUR34.40/USD in June 2009. This represents an increase of 17.61%.

#### **2. Excise Duty**

In July 2002, the excise duty on Mogas was brought to MUR 9.80/Litre. Same rate of MUR 9.80/ Litre was used in April 2004 APM exercise, and there has been no change up to 03 July 2009.

The excise duty on Gas Oil was fixed at MUR 3.00/Litre since July 2002 and remained unchanged up to 03 July 2009.

**3.** The *Maurice Ile Durable* Levy (MID Levy) as per the Excise Act - June 2008. An amount of MUR 0.15/Litre is included in the price structures of Mogas and Gas Oil.

**4.** Loss from previous month – As price in June 2009 has increased compared to May 2009, the loss per litre for June consignments amounted to MUR 2.2326 for Mogas and for Gas Oil, the loss per litre was MUR 1.5553.

**5. Adjustment**

This item relates to adjustments made due to difference between -

- Estimated quantity (as per Regulations) and actual quantity and
- Estimated exchange rate (as per Regulations) and actual exchange rate paid

The amount is MUR 0.0009/Litre for Mogas and MUR 0.0309/Litre for Gas Oil under this item.

**6. Increase greater than 7.5% brought forward**

In June 2009 APM exercise, the retail price should have been increased by 18.37% but the maximum percentage increase being 7.5% (as per Regulations), an amount of MUR 3.7194 representing 10.87% had to be carried forward. This amount has been passed on to consumers in July 2009.

Since the increase in the retail price of Gas Oil in June 2009 was below 7.5% (2.74%), there was no loss brought forward for Gas Oil in July 2009 i.e zero brought forward.

**7. Increase Greater than 7.5% carried forward**

The percentage increase in the retail price of Mogas in July 2009 was 18.68%. But only 7.45% had been passed on to consumers. Hence, an amount of MUR 4.1312/litre representing 11.23% has to be passed on to consumers in the next APM exercise in August 2009.

For Gas Oil, the percentage increase in the retail price in July 2009 was 11.56%. But as an increase of 7.43% had been passed to consumers, the balance of 4.13% amounting to MUR 1.2795/Litre is carried forward to be passed on to consumers in the next APM exercise in August 2009.

**8. Windfall gain on stock held by Oil Companies /Retail Outlets**

In relation to the July 2009 APM exercise, a stock take was carried out as follows –

1. For the retail outlets, that is, on 02 July 2009 on closure of business, a few hours before the coming into force of the new prices.
2. For oil majors, on the effective date of change in prices before start of business, that is, 03 July 2009.

The retail price of Mogas increased from MUR39.35 to MUR42.30 per litre from May 2009 to June 2009. This resulted in a windfall gain amounting to MUR1.0530/Litre on stock held by both oil companies and retail outlets in June 2009. This has been refunded to consumers in the July 2009 APM exercise.

The retail price of Gas Oil had increased from MUR34.70 to MUR35.65 per litre from May to June 2009. This had resulted in a windfall gain on stock held by oil companies and retail outlets in June 2009. An amount of MUR0.1965/litre was refunded to consumers in July 2009.

**9. Provision for Hedging.**

An amount of MUR3.00/Litre is provided under this item in the price structures of both Mogas and Gas Oil as from November 2008.

**10. Net Interest Paid on Lines of Credit:** This item represents interest paid on lines of credit less interest received during the period 26 May 2009 to 25 June 2009. For the last APM exercise on 03 July 2009, an amount of MUR 0.2059 per litre on Mogas and an amount of MUR0.1205 per litre on gas oil was included in the price structure.

**11. Recovery of Past Loss on Gas Oil**

This relates to past loss accrued as at 31 October 2008 when the Regulations were amended to enable APM exercise to be carried out on a monthly basis instead of on a quarterly basis. An amount of MUR3.1547 is included in the price structure under the heading “*Recovery of Past Loss*”.

In regard to part (b) of the question, the amount paid to counter parties in respect of hedging transactions for the period September 2008 to February 2009 are as follows -

<b>MONTH</b>	<b>MOGAS</b>	<b>GAS OIL</b>
	<b>USD</b>	<b>USD</b>
September 08	826,965.00	4,158,960.00
October 08	1,457,130.00	5,936,970.00
November 08	3,445,597.50	10,662,600.00
December 08	4,960,875.00	12,480,000.00

January 09	5,585,265.00	13,728,780.00
February 09	-	13,733,460.00

The amount paid in respect of Gas Oil for the period March 2009 to July 2009 is being compiled.

#### **TROU D'EAU DOUCE - CANVASSER LICENCE**

**(No. B/846) Mr G. Gunness (Third Member for Montagne Blanche & GRSE)** asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, in regard to persons who have, since 2007, paid for a Canvasser Licence to operate at Trou d'Eau Douce and who have not been granted same till to date, he will state the number thereof, indicating the reasons therefor.

**Reply:** I am informed by the Tourism Authority that, since 2007, only one application has been received for a canvasser licence to operate at Trou d'Eau Douce but no payment has been received from the applicant.

However, the Authority has indicated that 10 applicants have paid for a Canvasser Licence to operate at nearby Ile-aux-Cerfs. Each of the persons paid an amount of Rs5,000 that represents the annual canvasser fee. They were issued with a receipt, which also acted as a provisional licence. The provisional licence, which has been issued in August 2007 to each of the applicants has now expired.

According to information received, all these persons did operate as canvassers during the validity period of the provisional licences.

The Authority did not renew the permit of these persons on account of representations received against persons carrying out canvassing activities. We consider that these activities may be detrimental to our image as a quality destination and my Ministry is accordingly reviewing the policy with regard to canvassing activities.

We are rather looking into other ways and means of enabling the small pleasure craft operators to market their activities with the tourists such as -

- (a) provision of facilities on MTPA website for promotion of small operators;
- (b) setting up of a Tourism Channel, and
- (c) organisation on a regular basis of "*Foire Touristiques*" to facilitate direct encounter of small operators with tourists.

#### **STC – LOAN REPAYMENT**

**(No. B/847) Mr G. Gunness (Third Member for Montagne Blanche & GRSE)** asked the Minister of Business, Enterprise & Co-operatives whether, in regard to the loans which have been repaid on 20 and 27 May 2009 respectively by the State Trading Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to their respective –

- (a) value;
- (b) purpose for which they were contracted, and
- (c) terms and conditions.

*(Withdrawn)*

#### **NTC – DELOITTE & TOUCHE REPORT**

**(No. B/848) Mr G. Gunness (Third Member for Montagne Blanche & GRSE)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the National Transport Corporation, he will state the remedial measures taken, following the submission of the report of the firm Deloitte and Touche.

*(Withdrawn)*

#### **APPADOO LANE, ST JULIEN D'HOTMAN - RESURFACING**

**(No. B/849) Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the Appadoo Lane, St Julien d'Hotman, he will, for the benefit of the House, obtain from the Moka/Flacq District Council, information as to if he will consider the advisability of having it resurfaced.

**Reply:** I am informed by the Moka/Flacq District Council that the Appadoo Lane at St Julien d'Hotman has been damaged due to heavy rainfall. The Council has indicated that in view of financial constraints, it can only undertake the tarring of this road in financial year 2010.

I am informed that, meanwhile, patching works will be carried out by the Council to address the problem.

#### **BRADLEY, BYRON & GRAND BOIS COLLEGES - GRANTS**

**(No. B/850) Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Minister of Education, Culture & Human Resources whether, in regard to the Bradley College, the Byron College and the Grand Bois College respectively, he will, for the benefit of the House, obtain from the Private Secondary School Authority, information as to if the Authority is proposing to cease the payment of grants thereto and, if so, the reasons therefor, indicating in each case, the remedial measures taken in relation to the -

- (a) pupils;
- (b) teachers and other staff members, and
- (c) owner of the building.

**Reply:** In a letter dated 31 October 2008, the PSSA informed my Ministry that in the context of the registration/renewal registration of private secondary schools to function in 2009, the PSSA Board had identified three schools in respect of which grant should no longer be payable in 2009. These schools were Bradley College, Byron College and Grand Bois College.

According to the PSSA, these schools did not have the minimum student population of 175 as per the approved policy. Secondly, Byron College and Grand Bois College suffered from strained industrial relations.

Following representations made by the Federation of Managers of private secondary schools to the effect that they resent an abrupt closing down of any school at the beginning of the year, the PSSA Board had exceptionally agreed that a moratorium period of one year be given to the Managers to allow them to plan and prepare their closing down in the subsequent year. The schools were informed accordingly by the PSSA.

As regard remedial measures in case of closure of schools, arrangements are normally made as follows -

- (a) pupils will be transferred to other schools in the vicinity where vacancies exist;
- (b) teachers and other non-teaching staff will be absorbed in MEDCO and redeployed in either MEDCO schools or other State Secondary School as appropriate, and
- (c) compensation as recommended by the Management Audit Bureau would be paid to the Managers. The computation is based on school population, number of years of school existence and grants on specialised assets.

In January 2009, representations were made against the decision of the PSSA from Bradley College especially in regard to the student population figure quoted by the PSSA and disputed by the Management of the College.

Fresh representations were made again in July this year. The management has drawn attention to the fact that it caters for a large number of pre-voc students (over 90 students) coming from deprived areas in the region namely Cité La Cure, Roche Bois, Carreau Kalyptis, La Briquette and Camp La Boue. I am informed that this fact is current in the event the school is made to close down, this may cause undue hardship and prejudice to the pre-voc students. Taking into consideration, the social implication of such a step, my Ministry has asked that this matter be reviewed as a matter of urgency. My Ministry is closely following up the situation.

#### **DR. JEETOO HOSPITAL - MORTUARY HOUSE**

**(No. B/851) Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière)** asked Minister of Health & Quality of Life whether he will state if the mortuary house at the Dr. Jeetoo Hospital, Port Louis, has been demolished.

**Reply:** I wish to inform the House that this Government is committed to provide an efficient and quality health service to the population.

In this connection, an amount of Rs2 billion has been provided for the construction of the New Dr. Jeetoo Hospital, which is a long outstanding project. The first phase of the project started in February 2009, and the new hospital is expected to be operational in about 2 years' time. Unfortunately, there is some inevitable inconvenience as a result of demolition and construction works.

Following the demolition of the mortuary house at Dr A. G. Jeetoo Hospital in May 2009, the hospital has made appropriate arrangements for the transfer of corpses to SSRN Hospital and Brown Sequare Mental Health Care Centre.

I am informed that following the death of any patient in the hospital, it is a standard procedure to keep the corpse for one hour in the ward. In case the relatives of the deceased do not turn up after that period, the corpse is transferred to the mortuary house. Furthermore, when there are suspected cases of foul play, which require an autopsy, the corpses are referred to the Police Medical Officer and they are kept under strict custody of the Police at the mortuary house. Additionally, arrangements are made on request to keep corpses in the mortuary house pending the arrival of relatives from abroad to attend the funeral.

We rely on the understanding and collaboration of one and all, be it patients, visitors or members of the public during the construction of the new hospital.

#### **AIR MAURITIUS LTD – AIRFARES – FUEL SURCHARGE**

**(No. B/852) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, in regard to the fuel surcharge on airfares, he will, for the benefit of the House, obtain from Air Mauritius Ltd., information as to if same was reduced during the periods July 2008 and December 2008 when the cost of aviation fuel was reduced by more than 50% and, if not, will he state whether it has infringed the IATA recommendation that fuel surcharges should only reflect increases in the price of aviation fuel and not to cover for fuel hedging losses.

*(Withdrawn)*

#### **MOTORCYCLISTS – FULL FACE HELMETS (*CASQUE INTEGRAL*)**

**(No. B/853) Mr S. Soodhun (Fifth Member for La Caverne &Phoenix)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether he is aware that advantage is being taken of the fact that the integral helmets, currently used, completely hide the face, to commit a number of offences and, if so, will he will state if he will consider the advisability of taking measures to prohibit the importation and use of this type of helmets.

**Reply:** The purpose of using a helmet is to protect the head of the motorcyclist in the event of road accidents. It is designed to reduce the impact by spreading the forces of the impact over a greater surface area so that they are not concentrated on a particular area of the skull.

Full-face helmet (*Casque Integral*) in addition to the skull protection also protects the face in comparison to open-face helmet. Its principal feature is that it has a chin bar that extends outwards to protect the chin as well as the jaw area from impact and other injuries.

The Traffic Management and Road Safety Unit recommends the use of full-face helmet while riding a motorcycle as it offers additional protection. Moreover, the Road Traffic Act has been amended so that motorcyclists have to remove their “*Casque Integral*” once they get off their motorcycle.

Preventing people from wearing full-face helmets would mean depriving them from having access to health and safety equipment, hence putting their life at stake.

#### **EOE & NON-EOE SECTORS - ENTERPRISES – CLOSURE**

**(No. B/854) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix)** asked the Minister of Industry, Science & Research whether, in regard to the Export Processing Zone and non-Export Processing Zone, he will state the number of enterprises thereof which have closed, since July 2008 to date, indicating the number of job losses as a result thereof?

**Reply:** Since July 2008 to date 27 enterprises in the Export Oriented Enterprises (EOE) sector, formerly EPZ Sector closed down leading to job losses amounting to 4,256. As regards, the non-EOE manufacturing sector, 8 establishments (employing 10 or more persons) closed down, with job losses of 335.

I wish to add that during the same period 4,079 jobs were created in the Export Oriented Enterprise Sector as a result of establishment of 26 enterprises and the expansion of 19 enterprises.

#### **ETHANOL GASOLINE MIX – MOTOR VEHICLES - USE**

**(No. B/855) Mr Soodhun (Fifth Member for La Caverne & Phoenix)** asked the Minister of Business, Enterprise & Cooperatives whether, in regard to the proposed use of an ethanol gasoline mix by motor vehicles, he will state where matters stand.

**Reply:** The first phase of the Ethanol Project regarding the introduction and distribution of unleaded gasoline blended with 10% ethanol imported, was the subject of a study regarding field-testing. The field test lasted for three months, that is, from July to October 2006 and involved 25 vehicles, of different makes and ages. Each vehicle, which took part in the test, had run an average of more than 2800 kms, that is, covering a total of more than 65,000 kms. Only cars and vans were involved in the test.

The use of E10 gasoline did not lead to any technical problem for the 25 vehicles. However, the report highlighted that the price of ethanol was higher on the world market than the price of gasoline. Therefore, the incorporation of ethanol in gasoline would not result in a fall of the price of E10 unless the price structure of the mix is reviewed to incorporate a subsidy in favour of a green environment.

The second phase of the project regarding availability of the mix E10 at four filling stations throughout the island has not yet been implemented as no consensus has been reached up to now with all stakeholders concerned.

Use of ethanol mix is not a worldwide practice. In a few countries, it is mandatory and in a few others optional. Moreover, concern has been raised, at international level, over environmental issues.

#### **ENGRAIS MARTIAL - COMMUNITY CENTRE**

**(No. B/856) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the project for the setting up of a Community Centre at Engrais Martial, in Constituency No. 16, Vacoas and Floréal, for which a plot of land has already been acquired by the Municipal Council of Curepipe, he will, for the benefit of the House, obtain from the Council, information as to where matters stand.

**Reply:** I am informed by the Municipality of Curepipe that although a plot of land at Engrais Martial has been acquired on 31 May 2005 for the construction of a Social Hall and the laying of the foundation stone was held on 18 June 2005, funds have still not been earmarked for its implementation.

#### **NTC – CHIEF ENGINEER – VISIT TO SEYCHELLES**

**(No. B/857) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether he

will, for the benefit of the House, obtain from the National Transport Corporation, information as to if the Chief Engineer of the Corporation has proceeded on an official visit to the Seychelles, on or about 02 July 2009, and if so, the purpose thereof.

*(Withdrawn)*

#### **VACOAS & FLORÉAL – ELECTRICITY SUPPLY – OUTAGE**

**(No. B/858) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Deputy Prime Minister, Minister of Renewable Energy & Public Utilities whether he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if there was a breakdown of electricity supply in the region of Vacoas and Floréal, on Sunday 05 July 2009 at about 18.00 hrs and, if so, will he state the -

- (a) reasons therefor, and
- (b) measures taken to avoid any such recurrence.

**Reply:** I have been informed by the Central Electricity Board that there was an outage in electricity supply on Sunday 05 July 2009 at 18.24 hours in parts of Vacoas and Floréal, due to two faulty cable terminations at Sadally and Floréal.

Faults on cable terminations are quite rare but occur when the terminations develop micro cracks and there is ingress of moisture.

The Central Electricity Board is sending the faulty cable terminations to the supplier for further investigations. It is also envisaging the possibility of introducing alternative sources of supply and switching points on the distribution network to enable quick identification of faults and isolation, in order to reduce outage time and hardship to customers.

#### **GAMBLING OUTLETS – PERMIT – 2006-JUNE 2009**

**(No. B/859) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the permit to operate a gambling outlet, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the number thereof granted for the years 2006, 2007 and 2008 and since January to June 2009, respectively.

*(Vide reply to PQ No. B/817)*

#### **GRAND'BAIE – FISH LANDING STATION, FISH MARKET & FOOD COURT**

**(No. B/860) Mr M. Dulloo (First Member for Grand'Baie & Poudre d'Or)** asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the projects for the construction of a new fish landing station, a fish market and a food court at Grand' Baie, he will, for the benefit of the House, obtain from the Pamplemousses/Rivière du Rempart District Council, information as to where matters stand.

**Reply:** I wish to inform the House that the project for the construction of a Fish Landing Station with marketing facility at Grand' Baie was announced in the Budget Speech 2008/2009 for funding under the Local Infrastructure Fund.

I am informed that this project has to be undertaken concurrently with the construction of drain and other revetment works as proposed by the consultant appointed by the Ministry of

Environment and National Development Unit – Landell Mills Development Consultants, in the Draft Report of the Integrated Coastal Zone Management Plan for Grand' Baie.

I am informed that the Local Infrastructure Fund has earmarked an amount of Rs12 m. for the project Fish Landing Station with marketing facility at Grand' Baie, whereas the Ministry of Environment and National Development Unit has secured funding up to the tune of Rs3 m. for July-December 2009 and Rs10 m. for 2010 for drain and revetment works.

The House may wish to note that several consultative meetings have been held with the stakeholders concerned to decide on the components of the bidding documents and the appointment of a consultant for preparation of design and supervision of this project.

As far as the construction of a food court is concerned, I am informed that this will be undertaken at a later stage.

#### **GRAND' BAIE – MARINA – CONSTRUCTION**

**(No. B/861) Mr M. Dulloo (First Member for Grand' Baie & Poudre d'Or)** asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the project for the construction of a marina at Grand' Baie, he will, for the benefit of the House, obtain from the Pamplemousses/Rivière du Rempart District Council, information as to where matters stand.

**Reply:** I am informed that a proposal was received on 13 August 2008 at the Ministry of Housing and Lands and the Board of Investment from Ireko property, promoters of Kapukai Marina for development of an integrated Marina at Grand' Baie.

I am also informed that the Board of Investment is liaising with both the Ministry of Housing and Lands and the promoters with regard to the implementation of this project.

#### **POINTE AUX CANNONIERS - STREET LIGHTING**

**(No. B/862) Mr M. Dulloo (First Member for Grand' Baie & Poudre d'Or)** asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the region of Pointe aux Cannoniers, he will state if he will use his good offices to request the Pamplemousses/Rivière du Rempart District Council to provide adequate street lighting thereat.

**Reply:** I am informed by the Pamplemousses/Rivière du Rempart District that as at date 175 lanterns have already been fixed in the village of Grand' Baie and which includes 15 units at Pointe aux Cannoniers. The remaining 25 lanterns will be fixed by end of this month.

#### **TRIOLET – PLANTERS - IRRIGATION**

**(No. B/863) Mr M. Dulloo (First Member for Grand' Baie & Poudre d'Or)** asked the Minister of Agro Industry, Food Production & Security whether he will, for the benefit of the House, obtain from the Irrigation Authority, information as to if -

- (a) the Authority has received and processed applications for the supply of water for purposes other than irrigation and, if so, if such an application has recently been received from an inhabitant of Triolet, indicating the details and outcome thereof, and
- (b) representations have been received from the planters of the region to the effect that they are not satisfied with the current irrigation input of the Authority.

*(Withdrawn)*

### MAURITIUS SOCIETY OF AUTHORS (MASA) - ROYALTIES

**(No. B/864) Mr J. C Barbier (Third Member for GRNW & Port Louis West)** asked the Minister of Education, Culture & Human Resources whether, in regard to the royalties obtained by the Mauritius Society of Authors from international sister societies, he will, for the benefit of the House, obtain from the Society, information as to the amount thereof received over the past five years, indicating -

- (a) the names of the persons who have benefited therefrom and the respective amount received, in each case and
- (b) how the outstanding amount has been used.

**Reply:** I am informed by the Mauritius Society of Authors (MASA) that royalties collected from international sister societies over the past five years amount to Rs5,446,754.99. An amount of Rs4,175,725.84 has already been paid to the rights owners over the last five years. I am tabling the yearly breakdown.

MASA has confirmed that there is a remaining balance of Rs1,271,029.15 which shall be distributed as per normal practice to the rights owners members of MASA in the next distribution exercise of this financial year, i.e before end of December.

As regards part (a) of the question concerning the names of right owners and the amount received, I am advised by MASA that it is not in the interest of the right owners for the names and amounts to be made public. When sister societies submit their list, the local beneficiaries are already mentioned therein and disbursement is made accordingly.

### IRON BARS - COMPANIES

**(No. B/865) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister for Business, Enterprise & Co-operatives whether, in regard to iron bars, he will state the -

- (a) companies currently involved in the business and their respective market share, and
- (b) actual prices thereof of different diameters on the market compared to their respective prices of July 2005.

**Reply (The Minister of Consumer Protection & Citizens Charter):** I am informed that the six companies are involved in the business of iron bars, namely –

	Company	Business
(i)	Kosto (Pty) Ltd	Importer and Manufacturer
(ii)	Lam Po Tang & Co Ltd	Importer
(iii)	Joonas & Co	Importer
(iv)	Samlo Koyenco Ltd	Local Manufacturer

(v)	Unity Exim Ltd	Importer
(vi)	Global Direct Ltd	Importer

No market survey has been carried out to determine the market share of each of the above companies. I am taking steps for a survey to be carried out to determine the market share of each company and will table the information once it is obtained.

As regards part (b) of the question, I wish to inform the House that the prices of iron bars have been liberalised with effect from 07 April 2007.

I am tabling a list of the prices of iron bars of different sizes prevailing in July 2005 and the actual ones.

#### **MULTI-APPLICATION SMART CARD – INTRODUCTION**

**(No. B/866) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister of Information & Communication Technology whether, in regard to the replacement of the National Identity Card by a multi-application Smart Card as announced in the 2007-2008 Budget Speech, he will state the progress achieved in relation thereto.

**Reply:** I wish to thank the hon. Member for giving me the opportunity to provide this House with an update on this very important project of national interest.

In the Budget Speech 2007/2008, it was announced that the replacement of the National ID card, which has been in use for over 20 years, was long overdue. Its replacement would provide an opportunity to introduce a multi-application Smart Card. The smart card will provide secure electronic identification for the public in the first instance and has the capability of gradually supporting a wide variety of applications which will be used by the holder for accessing facilities offered by government as well as private entities like banks.

Initially, the execution of the project was to involve two distinct stages, namely -

- (a) the appointment of a consulting firm to prepare the tender documents for the appointment of a contractor to design the smart card and provide supervisory services during the implementation phase, and
- (b) the appointment of a contractor to implement the project.

Subsequently, after discussions and further investigation into ways and means to execute the Mauritius National Identity Card project at a faster pace and at an expected reduced cost, it was decided to circumvent the appointment of the consultant and to directly invite potential contractors to submit their bids for the Mauritius National Identity Card on a turnkey basis.

The State Informatics Limited was accordingly appointed as Systems Integrator/Implementer for the project, being given that it is a Government entity and possesses all the qualifications required for the Systems Integrator/Implementer. Further, it was decided that the procurement exercise would be exempt from compliance with the provisions of the Public Procurement Act, in virtue of section 3(1) of the said Act. A General Notice was made by the Prime Minister on 19 December 2008 under section 3(1) of the Public Procurement Act and was published as GN No. 2359 of 2008.

In the meantime, the State Informatics Limited had, after having examined a list of potential suppliers of the smart cards submitted by the Technical Committee set up for the project under the chairmanship of the Executive Director of the ICT Authority, short-listed seven suppliers for the project to whom the Request for Proposal for the Project would be forwarded. On 14 January 2009, the State Informatics Ltd launched the Request for Proposal and the closing date for submission of bids was 16 February 2009.

In parallel, a Framework Agreement between Government and the State Informatics Ltd was signed on 10 February 2009. It is an administrative document, with no financial implications, setting out the conditions under which the State Informatics Ltd, in its capacity as the Systems Integrator/Implementer, will handle all processes for the project, and also establishes the respective responsibility of Government and the State Informatics Ltd on the project. The Framework Agreement will become effective only when a main agreement is signed between the State Informatics Ltd and a contractor for the Mauritius National Identity Card project.

Following this stage of the procurement process, a Bid Evaluation Committee was set up to analyse the proposals received and to make recommendations thereon. To assist the Bid Evaluation Committee in its task, two subcommittees were set up, namely a Technical Evaluation Subcommittee and a Financial Evaluation Subcommittee. Representatives of the Prime Minister's Office, the Ministry of Finance & Economic Empowerment, the Forensic Science Laboratory, the State Informatics Limited, my Ministry and an independent card expert formed part of the Bid Evaluation Committee.

At a special Board meeting held on 31 March 2009, the Board of the State Informatics Limited considered the recommendations of the Bid Evaluation Committee and approved, in principle, the award of the contract to the successful bidder, subject to financial clearance being obtained from the Government.

I have received representatives of the Mauritius IT Industry Association, following representations they made to the effect that the ICT industry has not been given an opportunity to participate in the procurement exercise for the project as well as to the selection of the State Informatics Limited as the System Integrator/Implementer. During the meeting, I explained clearly the role of the System Integrator/Implementer and the successful bidder in the Mauritius National Identity Card Project. Whilst the latter would supply specialised hardware, software and services that is unobtainable from the local market, the System Integrator/Implementer would be involved in project management activities and recipient of technology transfer with a view to exploiting the regional market. Procurement of non-specialised products and services would be made from local suppliers to ensure that there is a fair share of the contract to parties concerned as well as to reduce the total cost of ownership of the project.

In anticipation of the award of the contract, an implementation committee, chaired by the Permanent Secretary of the Prime Minister's Office and comprising all stakeholders associated with the project, has been set up and is actively addressing issues such as -

- (a) implementation of bulk phase and normal phase of card issue;
- (b) recruitment of staff;
- (c) office accommodation;
- (d) communication campaign;

- (e) arrangement for particular segment of the population like the elderly and disabled persons, and
- (f) change management.

The smart card based electronic identification system will integrate with our National Public Key Infrastructure to enhance security and make smart cards more robust and versatile. A Memorandum of Understanding was signed with the Government of India in February 2009 and in May 2009, we received the visit of a high level delegation from India to fast track the setting up of the National Public Key Infrastructure in view of providing a significant level of security for the National Identity Card.

In April 2009, the Electronic Transactions Act 2000 was amended to provide the legal framework for the National Public Key Infrastructure Project.

Further, amendments are being brought to the National ID Card Act to enable the implementation of the smart card based National ID. Once this stage is over and necessary financial clearance is obtained for the whole project, the contract for the implementation of the smart card based National ID would be awarded to the successful bidder.

#### **RAJIV GANDHI SCIENCE CENTRE – BUS STOP**

**(No. B/867) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the lay-by situated at the Rajiv Gandhi Science Centre, along the Old Moka Road, Bell Village, he will state if consideration will be given for the putting up of a bus stop thereat.

**Reply:** I am informed by the National Transport Authority that a lay-by measuring 70m x 6m has been put near the Rajiv Gandhi Science Centre to accommodate exclusively buses performing special trips for the conveyance of visitors to the Centre. The Rajiv Gandhi Science Centre organises regular programmes/exhibitions and as such requires this lay-by for the parking of buses thereat.

From a traffic management and road safety point of view, this lay-by should not be used as a bus stop for regular buses, as this would lead to school buses being forced to park at alternatives spaces and even on the road itself. This would result in the obstruction of the Old Moka Road and to consequential traffic jams.

As there is already a bus stop in a lay-by with an appropriate shelter in the direction of the Motorway, at a distance of 300m from the Rajiv Gandhi Science Centre, the need to create yet another bus stop does not arise.

#### **MUNICIPAL/DISTRICT COUNCILS – ORGANISATIONS – GRANTS**

**(No. B/868) Mr M. Allet (Second Member for Beau Bassin & Petite Rivière)** asked the Minister of Local Government, Rodrigues & Outer Islands whether he will, for the benefit of the House, obtain from the Municipal and District Councils, information as to the organisations which have benefited grants therefrom, indicating, in each case the amount and purpose thereof.

**Reply:** The House will appreciate that the information requested by the hon. Member is vague, and it will be helpful if he would be more precise in the nature of grants and the period.